

**ESSB 5352** - H AMD

By Representative Clibborn

ADOPTED AND ENGROSSED 4/9/09

Strike everything after the enacting clause and insert the following:

**"2009-11 FISCAL BIENNIUM**

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

**GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation . . . . . \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

**NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation . . . . \$705,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation . . . . . \$3,369,000

Puget Sound Ferry Operations Account--State  
Appropriation . . . . . \$100,000

TOTAL APPROPRIATION . . . . . \$3,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

**NEW SECTION. Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State  
Appropriation . . . . . \$446,000

NEW SECTION.   **Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation . . . . . \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION.   **Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation . . . . . \$1,507,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION.   **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation . . . . . \$502,000

NEW SECTION.   **Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

#### TRANSPORTATION AGENCIES--OPERATING

##### NEW SECTION.    **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation . . . . .	\$2,542,000
Highway Safety Account--Federal Appropriation . . . . .	\$16,540,000
School Zone Safety Account--State Appropriation . . . . .	\$3,340,000
TOTAL APPROPRIATION . . . . .	\$22,422,000

The appropriations in this section are subject to the following conditions and limitations: \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the

commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation . . . . .	\$920,000
Motor Vehicle Account--State Appropriation . . . . .	\$2,129,000
County Arterial Preservation Account--State	
Appropriation . . . . .	\$1,423,000
TOTAL APPROPRIATION . . . . .	\$4,472,000

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation . . . . .	\$1,824,000
Transportation Improvement Account--State	
Appropriation . . . . .	\$1,827,000
TOTAL APPROPRIATION . . . . .	\$3,651,000

**NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation . . . . . \$1,851,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used

1 by the department to model financial plans for tolled facilities. The  
2 joint transportation committee shall provide a report to the house of  
3 representatives and senate transportation committees by September 1,  
4 2009.

5 (3) \$350,000 of the motor vehicle account--state appropriation is  
6 for an independent analysis of methodologies to value the reversible  
7 lanes on Interstate 90 to be used for high capacity transit pursuant to  
8 sound transit proposition 1 approved by voters in November 2008. The  
9 independent analysis shall be conducted by sound transit and the  
10 department of transportation, using consultant resources deemed  
11 appropriate by the secretary of the department, the chief executive  
12 officer of sound transit, and the cochairs of the joint transportation  
13 committee. It shall be conducted in consultation with the federal  
14 transit and federal highway administrations and account for applicable  
15 federal laws, regulations, and practices. It shall also account for  
16 the 1976 Interstate 90 memorandum of agreement and subsequent 2004  
17 amendment and the 1978 federal secretary of transportation's  
18 environmental decision on Interstate 90. The department and sound  
19 transit must provide periodic reports to the joint transportation  
20 committee, the sound transit board of directors, and the governor, and  
21 report final recommendations by September 1, 2009.

22 **NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

23 Motor Vehicle Account--State Appropriation . . . . . \$1,887,000  
24 Multimodal Transportation Account--State Appropriation . . . . \$112,000  
25 TOTAL APPROPRIATION . . . . . \$1,999,000

26 The appropriations in this section are subject to the following  
27 conditions and limitations:

28 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
29 the transportation commission shall periodically review and, if  
30 necessary, modify the schedule of fares for the Washington state ferry  
31 system. The transportation commission may increase ferry fares,  
32 except no fare schedule modifications may be made prior to September 1,  
33 2009. For purposes of this subsection, "modify" includes increases or  
34 decreases to the schedule.

35 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
36 the transportation commission shall establish, periodically review,  
37 and, if necessary, modify a schedule of toll charges applicable to the

state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall consider selling the naming rights and shall make recommendations to the legislature regarding this option.

**NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation . . . . . \$695,000

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

**NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State

Appropriation . . . . . \$232,147,000

State Patrol Highway Account--Federal

Appropriation . . . . . \$10,602,000

State Patrol Highway Account--Private/Local

Appropriation . . . . . \$859,000

TOTAL APPROPRIATION . . . . . \$243,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of

1 transportation or other state agencies may use state patrol vehicles  
2 for the purpose of that employment, subject to guidelines adopted by  
3 the chief of the Washington state patrol. The Washington state patrol  
4 shall be reimbursed for the use of the vehicle at the prevailing state  
5 employee rate for mileage and hours of usage, subject to guidelines  
6 developed by the chief of the Washington state patrol.

7 (2) The patrol shall not account for or record locally provided DUI  
8 cost reimbursement payments as expenditure credits to the state patrol  
9 highway account. The patrol shall report the amount of expected  
10 locally provided DUI cost reimbursements to the office of financial  
11 management and transportation committees of the legislature by  
12 September 30th of each year.

13 (3) During the 2009-11 fiscal biennium, the Washington state patrol  
14 shall continue to perform traffic accident investigations on Thurston  
15 county roads, and shall work with the county to transition the traffic  
16 accident investigations on Thurston county roads to the county by July  
17 1, 2011.

18 (4) \$2,125,000 of the state patrol highway account--state  
19 appropriation is provided solely for the Washington state patrol to  
20 increase the enrollment in each of the academy classes to fifty-five  
21 cadets during the 2009-11 fiscal biennium.

22 (5) The Washington state patrol shall collaborate with the  
23 Washington traffic safety commission to develop and implement the  
24 target zero trooper pilot program referenced in section 201 of this  
25 act.

26 (6) The Washington state patrol shall discuss the implementation of  
27 the pilot program described under section 218(2) of this act with any  
28 union representing the affected employees.

29 (7) The Washington state patrol shall assign necessary personnel  
30 and equipment to implement and operate the pilot program described  
31 under section 218(2) of this act using the portion of the automated  
32 traffic safety camera fines deposited into the state patrol highway  
33 account, but not to exceed \$370,000. If the fines deposited into the  
34 state patrol highway account from automated traffic safety camera  
35 infractions do not reach \$370,000, the department of transportation  
36 shall remit funds necessary to the Washington state patrol to ensure  
37 the completion of the pilot program.



1        NEW \_\_ SECTION.    **Sec. 208. FOR THE WASHINGTON STATE PATROL--**  
2        **INVESTIGATIVE SERVICES BUREAU**

3        State Patrol Highway Account--State Appropriation . . . . . \$1,557,000

4        NEW \_\_ SECTION.    **Sec. 209. FOR THE WASHINGTON STATE PATROL--**  
5        **TECHNICAL SERVICES BUREAU**

6        State Patrol Highway Account--State Appropriation . . . . . \$104,137,000

7        State Patrol Highway Account--Private/Local

8            Appropriation . . . . . \$2,008,000

9            TOTAL APPROPRIATION . . . . . \$106,145,000

10        The appropriations in this section are subject to the following  
11        conditions and limitations:

12        (1) The Washington state patrol shall work with the risk management  
13        division in the office of financial management in compiling the  
14        Washington state patrol's data for establishing the agency's risk  
15        management insurance premiums to the tort claims account. The office  
16        of financial management and the Washington state patrol shall submit a  
17        report to the legislative transportation committees by December 31st of  
18        each year on the number of claims, estimated claims to be paid, method  
19        of calculation, and the adjustment in the premium.

20        (2) \$8,673,000 of the total appropriation is provided solely for  
21        automobile fuel in the 2009-11 fiscal biennium.

22        (3) \$8,638,000 of the total appropriation is provided solely for  
23        the purchase of pursuit vehicles.

24        (4) \$6,328,000 of the total appropriation is provided solely for  
25        vehicle repair and maintenance costs of vehicles used for highway  
26        purposes.

27        (5) \$384,000 of the total appropriation is provided solely for the  
28        purchase of mission vehicles used for highway purposes in the  
29        commercial vehicle and traffic investigation sections of the Washington  
30        state patrol.

31        (6) The Washington state patrol may submit information technology-  
32        related requests for funding only if the patrol has coordinated with  
33        the department of information services as required under section 601 of  
34        this act.

35        (7) \$800,000 of the state patrol highway account--state  
36        appropriation is provided solely for the Washington state patrol to

1 increase the enrollment in each of the academy classes to fifty-five  
2 cadets during the 2009-11 fiscal biennium.

3 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF LICENSING**

4 Marine Fuel Tax Refund Account--State Appropriation . . . . . \$32,000  
5 Motorcycle Safety Education Account--State  
6 Appropriation . . . . . \$4,373,000  
7 Wildlife Account--State Appropriation . . . . . \$837,000  
8 Highway Safety Account--State Appropriation . . . . . \$145,403,000  
9 Highway Safety Account--Federal Appropriation . . . . . \$8,000  
10 Motor Vehicle Account--State Appropriation . . . . . \$78,671,000  
11 Motor Vehicle Account--Private/Local Appropriation . . . . . \$1,372,000  
12 Motor Vehicle Account--Federal Appropriation . . . . . \$242,000  
13 Department of Licensing Services Account--State  
14 Appropriation . . . . . \$4,718,000  
15 Washington State Patrol Highway Account--State  
16 Appropriation . . . . . \$738,000  
17 Ignition Interlock Device Revolving Account--State  
18 Appropriation . . . . . \$2,490,000  
19 TOTAL APPROPRIATION . . . . . \$238,884,000

20 The appropriations in this section are subject to the following  
21 conditions and limitations:

22 (1)(a) By November 1, 2009, the department of licensing, working  
23 with the department of revenue, shall analyze and plan for the transfer  
24 by July 1, 2010, of the administration of fuel taxes imposed under  
25 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law  
26 from the department of licensing to the department of revenue. By  
27 November 1, 2009, the departments shall report findings and  
28 recommendations to the governor and the transportation and fiscal  
29 committees of the legislature.

30 (b) The analysis and planning directed under this subsection must  
31 include, but is not limited to, the following:

32 (i) Outreach to and solicitation of comment from parties affected  
33 by the fuel taxes, including taxpayers, industry associations, state  
34 and federal agencies, and Indian tribes, and from the transportation  
35 and fiscal committees of the legislature;

36 (ii) Identification and analysis of relevant factors including, but  
37 not limited to:

1 (A) Taxpayer reporting and payment processes;  
2 (B) The international fuel tax agreement;  
3 (C) Proportional registration under the provisions of the  
4 international registration plan and chapter 46.87 RCW;  
5 (D) Computer systems;  
6 (E) Best management practices and efficiencies;  
7 (F) Costs; and  
8 (G) Personnel matters;  
9 (iii) Development of recommended actions to accomplish the  
10 transfer; and  
11 (iv) An implementation plan and schedule.  
12 (c) The report must include draft legislation, which transfers  
13 administration of fuel taxes as described under (a) of this subsection  
14 to the department of revenue on July 1, 2010, and amends existing law  
15 as needed.  
16 (2) \$55,845,000 of the highway safety account--state appropriation  
17 is provided solely for the driver examining program. The department  
18 shall not close any licensing service offices other than the following  
19 anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East  
20 Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver;  
21 (i) Yakima; and (j) the driver/vehicle licensing service office in the  
22 highway-licensing building in Olympia. The department shall, on a  
23 quarterly basis, report to the transportation committees of the  
24 legislature the following monthly data by licensing service office  
25 locations: (a) Lease costs; (b) salary and benefit costs; (c) other  
26 expenditures; (d) FTEs; (e) number of transactions completed, by type  
27 of transaction; and (f) office hours.  
28 (3) \$11,688,000 of the highway safety account--state appropriation  
29 is provided solely for costs associated with: Issuing enhanced  
30 drivers' licenses and identicards at the enhanced licensing services  
31 offices; extended hours at those licensing services offices; cross-  
32 border tourism education; and other education campaigns. This is the  
33 maximum amount the department may expend for this purpose.  
34 (4) \$2,490,000 of the ignition interlock device revolving account--  
35 state appropriation is provided solely for the department to assist  
36 indigent persons with the costs of installing, removing, and leasing  
37 the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--  
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

High Occupancy Toll Lanes Operations Account--State

Appropriation . . . . . \$2,867,000

Motor Vehicle Account--State Appropriation . . . . . \$585,000

Tacoma Narrows Toll Bridge Account--State

1       Appropriation . . . . . \$27,358,000  
2   State Route Number 520 Corridor Account--State  
3       Appropriation . . . . . \$60,260,000  
4       TOTAL APPROPRIATION . . . . . \$91,070,000

5       The appropriations in this section are subject to the following  
6   conditions and limitations:

7       (1) The department shall make detailed quarterly expenditure  
8   reports available to the transportation commission and to the public on  
9   the department's web site using current department resources. The  
10   reports must include a summary of revenue generated by tolls on the  
11   Tacoma Narrows bridge and an itemized depiction of the use of that  
12   revenue.

13       (2) The department shall work with the office of financial  
14   management to review the Tacoma Narrows bridge insurance coverage,  
15   deductibles, and limitations to assure that the asset is well protected  
16   at a reasonable cost. Results from this review must be used to  
17   negotiate any future new or extended insurance agreements.

18       (3) \$60,260,000 of the state route number 520 corridor account is  
19   provided solely for costs directly related to tolling the state route  
20   number 520 floating bridge.

21       NEW SECTION.   **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**  
22   **INFORMATION TECHNOLOGY--PROGRAM C**

23   Transportation Partnership Account--State

24       Appropriation . . . . . \$2,675,000  
25   Motor Vehicle Account--State Appropriation . . . . . \$67,811,000  
26   Motor Vehicle Account--Federal Appropriation . . . . . \$240,000  
27   Multimodal Transportation Account--State

28       Appropriation . . . . . \$363,000  
29   Transportation 2003 Account (Nickel Account)--State

30       Appropriation . . . . . \$2,676,000  
31       TOTAL APPROPRIATION . . . . . \$73,765,000

32       The appropriations in this section are subject to the following  
33   conditions and limitations:

34       (1) The department shall consult with the office of financial  
35   management and the department of information services to: (a) Ensure  
36   that the department's current and future system development is  
37   consistent with the overall direction of other key state systems; and

(b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(4) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

NEW SECTION.    **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--  
FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**  
Motor Vehicle Account--State Appropriation . . . . . \$25,501,000

NEW SECTION.    **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**

**AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation . . . . .	\$6,009,000
Aeronautics Account--Federal Appropriation . . . . .	\$2,150,000
TOTAL APPROPRIATION . . . . .	\$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

Motor Vehicle Account--State Appropriation . . . . .	\$49,142,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$500,000
Multimodal Transportation Account--State Appropriation . . . . .	\$250,000
Water Pollution Account--State Appropriation . . . . .	\$2,000,000
TOTAL APPROPRIATION . . . . .	\$51,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request. If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's

1 successors or assigns to the property or property interest subject to  
2 the repurchase right. At least ninety days prior to the date on which  
3 the property is to be sold by the department, the department must mail  
4 notice of the planned sale to the former owner of the property at the  
5 former owner's last known address or to a forwarding address if that  
6 owner has provided the department with a forwarding address. If the  
7 former owner notifies the department within thirty days of the date of  
8 the notice that the former owner intends to repurchase the property,  
9 the department shall proceed with the sale of the property to the  
10 former owner and shall not list the property for sale to other owners.  
11 If the former owner does not provide timely written notice to the  
12 department of the intent to exercise a repurchase right, or if the sale  
13 to the former owner is not completed within one year of the date of  
14 notice that the former owner intends to repurchase the property, that  
15 right shall be extinguished.

16 (2) The legislature recognizes that the Dryden pit site (WSDOT  
17 Inventory Control (IC) No. 2-04-00103) is unused state-owned real  
18 property under the jurisdiction of the department of transportation,  
19 and that the public would benefit significantly from the complete  
20 enjoyment of the natural scenic beauty and recreational opportunities  
21 available at the site. Therefore, pursuant to RCW 47.12.080, the  
22 legislature declares that transferring the property to the department  
23 of fish and wildlife is consistent with the public interest in order to  
24 preserve the area for the use of the public. The department of  
25 transportation shall transfer and convey the Dryden pit site to the  
26 department of fish and wildlife for adequate consideration in the  
27 amount of \$600,000, the proceeds of which must be deposited in the  
28 motor vehicle fund.

29 (3) \$2,000,000 of the water pollution account--state appropriation  
30 is provided solely for the department's compliance with its national  
31 pollution discharge elimination system permit, consistent with the  
32 purposes described in Substitute House Bill No. 1614, addressing  
33 petroleum pollution in storm water.

34 (4) The department shall work with the department of ecology, the  
35 county road administration board, and the transportation improvement  
36 board to develop model procedures, and municipal and state rules, to  
37 maximize the use of permeable concrete and asphalt on road construction  
38 and preservation projects. The department shall report to the joint



transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of storm water mitigation.

NEW SECTION.    **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--  
ECONOMIC PARTNERSHIPS--PROGRAM K**

Motor Vehicle Account--State Appropriation . . . . .	\$565,000
Multimodal Transportation Account--State Appropriation . . . .	\$200,000
TOTAL APPROPRIATION . . . . .	\$765,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

NEW SECTION.    **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation . . . . .	\$346,887,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation . . . . .	\$5,797,000
Water Pollution Account--State Appropriation . . . . .	\$12,500,000
TOTAL APPROPRIATION . . . . .	\$367,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

1 (3) The department shall request an unanticipated receipt for any  
2 private or local funds received for reimbursements of third party  
3 damages that are in excess of the motor vehicle account--private/local  
4 appropriation.

5 (4) \$2,000,000 of the motor vehicle account--federal appropriation  
6 is for unanticipated federal funds that may be received during the  
7 2009-11 fiscal biennium. Upon receipt of the funds, the department  
8 shall provide a report on the use of the funds to the transportation  
9 committees of the legislature and the office of financial management.

10 (5) The department may incur costs related to the maintenance of  
11 the decorative lights on the Tacoma Narrows bridge only if:

12 (a) The nonprofit corporation, narrows bridge lights organization,  
13 maintains an account balance sufficient to reimburse the department for  
14 all costs; and

15 (b) The department is reimbursed from the narrows bridge lights  
16 organization within three months from the date any maintenance work is  
17 performed. If the narrows bridge lights organization is unable to  
18 reimburse the department for any future costs incurred, the lights must  
19 be removed at the expense of the narrows bridge lights organization  
20 subject to the terms of the contract.

21 (6) The department may work with the department of corrections to  
22 utilize corrections crews for the purposes of litter pickup on state  
23 highways.

24 (7) \$650,000 of the motor vehicle account--state appropriation is  
25 provided solely for increased asphalt costs. If Senate Bill No. 5976  
26 is not enacted by June 30, 2009, the amount provided in this subsection  
27 shall lapse.

28 (8) \$16,800,000 of the motor vehicle account--state appropriation  
29 is provided solely for the high priority maintenance backlog.  
30 Addressing the maintenance backlog must result in increased levels of  
31 service.

32 (9) The department shall provide a cost-benefit analysis to the  
33 house and senate transportation committees by January 15, 2010, on  
34 replacing all illuminated guide signs in the state with a super high  
35 efficiency, retroreflective sheeting for optimal performance and sign  
36 illumination to be completed by June 30, 2014. The report shall  
37 include an update on replacements from illuminated guide signs with a

super high efficiency, retroreflective sheeting that have occurred since January 15, 2010.

(10) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation . . . . .	\$51,353,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
State Route Number 520 Corridor Account--State Appropriation . . . . .	\$88,000
TOTAL APPROPRIATION . . . . .	\$53,618,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

1 (b) The department shall plainly mark the locations where the  
2 automated traffic safety cameras are used by placing signs on locations  
3 that clearly indicate to a driver that he or she is entering a roadway  
4 construction zone where traffic laws are enforced by an automated  
5 traffic safety camera;

6 (c) Notices of infractions must be mailed to the registered owner  
7 of a vehicle within fourteen days of the infraction occurring;

8 (d) The owner of the vehicle is not responsible for the violation  
9 if the owner of the vehicle, within fourteen days of receiving  
10 notification of the violation, mails to the patrol, a declaration under  
11 penalty of perjury, stating that the vehicle involved was, at the time,  
12 stolen or in the care, custody, or control of some person other than  
13 the registered owner, or any other extenuating circumstances;

14 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
15 infractions detected through the use of automated traffic safety  
16 cameras are not part of the registered owner's driving record under RCW  
17 46.52.101 and 46.52.120. Additionally, infractions generated by the  
18 use of automated traffic safety cameras must be processed in the same  
19 manner as parking infractions for the purposes of RCW 3.50.100,  
20 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
21 fine issued under this subsection (2) for an infraction generated  
22 through the use of an automated traffic safety camera is one hundred  
23 thirty-seven dollars. The court shall remit thirty-two dollars of the  
24 fine to the state treasurer for deposit into the state patrol highway  
25 account; and

26 (f) If a notice of infraction is sent to the registered owner and  
27 the registered owner is a rental car business, the infraction must be  
28 dismissed against the business if it mails to the patrol, within  
29 fourteen days of receiving the notice, a declaration under penalty of  
30 perjury of the name and known mailing address of the individual driving  
31 or renting the vehicle when the infraction occurred. If the business  
32 is unable to determine who was driving or renting the vehicle at the  
33 time the infraction occurred, the business must sign a declaration  
34 under penalty of perjury to this effect. The declaration must be  
35 mailed to the patrol within fourteen days of receiving the notice of  
36 traffic infraction. Timely mailing of this declaration to the issuing  
37 agency relieves a rental car business of any liability under this

section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$88,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Account--State Appropriation . . . . .	\$29,389,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
Multimodal Transportation Account--State	
Appropriation . . . . .	\$973,000
State Route Number 520 Corridor Account--State	
Appropriation . . . . .	\$801,000
TOTAL APPROPRIATION . . . . .	\$31,193,000

The appropriations in this section are subject to the following conditions and limitations: \$801,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation . . . . .	\$26,470,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$19,116,000
Multimodal Transportation Account--State	
Appropriation . . . . .	\$696,000
Multimodal Transportation Account--Federal	
Appropriation . . . . .	\$2,809,000
Multimodal Transportation Account--Private/Local	
Appropriation . . . . .	\$100,000

1 TOTAL APPROPRIATION . . . . . \$49,191,000

2 The appropriations in this section are subject to the following  
3 conditions and limitations:

4 (1) \$150,000 of the motor vehicle account--federal appropriation is  
5 provided solely for the costs to develop an electronic map-based  
6 computer application that will enable law enforcement officers and  
7 others to more easily locate collisions and other incidents in the  
8 field.

9 (2) The department shall, to the greatest extent practicable,  
10 maximize the use of recycled concrete and asphalt on road construction  
11 and preservation projects. The department shall report to the joint  
12 transportation committee by December 1, 2010, regarding the use of  
13 recycled concrete and asphalt. The report must include, at a minimum,  
14 how much recycled concrete and asphalt was used and the resulting cost  
15 savings to the state.

16 (3) \$600,000 of the motor vehicle account--state appropriation is  
17 provided solely for a diesel multiple unit feasibility and initial  
18 planning study. The study must evaluate potential service on the  
19 Stampede Pass line from Maple Valley to Auburn via Covington. The  
20 study must evaluate the potential demand for service, the business  
21 model and capital needs for launching and running the line, and the  
22 need for improvements in switching, signaling, and tracking. A report  
23 on the study must be submitted to the legislature by June 30, 2010.

24 (4) \$400,000 of the motor vehicle account--state appropriation is  
25 provided solely for a state route number 2 development plan as  
26 described in Substitute House Bill No. 1575.

27 (5) \$400,000 of the motor vehicle account--state appropriation is  
28 provided solely for a study of the use of tolls to help fund future  
29 capacity and connection improvements on state route number 167 and  
30 state route number 509. A report on the study must be submitted to the  
31 house of representatives and senate transportation committees by  
32 September 30, 2010.

33 (6) \$243,000 of the motor vehicle account--state appropriation and  
34 \$81,000 of the motor vehicle account--federal appropriation are  
35 provided solely for the development of a freight database to help guide  
36 freight investment decisions and track project effectiveness. The  
37 database must be based on truck movement tracked through geographic  
38 information system technology. TransNow shall contribute additional

federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION.    **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--  
CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation . . . . .	\$87,331,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$400,000
Multimodal Transportation Account--State Appropriation . . . .	\$561,000
TOTAL APPROPRIATION . . . . .	\$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self- insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT  
DIVISION OF RISK MANAGEMENT FEES . . . . . \$1,639,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE  
AUDITOR . . . . . \$937,000

(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL  
ADMINISTRATION . . . . . \$6,060,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
PERSONNEL . . . . . \$6,347,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY  
PREMIUMS AND ADMINISTRATION . . . . . \$44,418,000

(f) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . . \$623,000

(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS  
ENTERPRISES . . . . . \$1,008,000

(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS  
PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . . . . \$1,143,000

(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE  
DEPARTMENT OF INFORMATION SERVICES . . . . . \$1,477,000

(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
GENERAL'S OFFICE . . . . . \$8,526,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

1 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT  
2 LITIGATION . . . . . \$672,000

3 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**  
4 **PUBLIC TRANSPORTATION--PROGRAM V**

5 Regional Mobility Grant Program Account--State  
6 Appropriation . . . . . \$36,208,000  
7 Multimodal Transportation Account--State  
8 Appropriation . . . . . \$78,845,000  
9 Multimodal Transportation Account--Federal  
10 Appropriation . . . . . \$2,582,000  
11 Multimodal Transportation Account--Private/Local  
12 Appropriation . . . . . \$1,027,000  
13 TOTAL APPROPRIATION . . . . . \$118,662,000

14 The appropriations in this section are subject to the following  
15 conditions and limitations:

16 (1) \$26,000,000 of the multimodal transportation account--state  
17 appropriation is provided solely for a grant program for special needs  
18 transportation provided by transit agencies and nonprofit providers of  
19 transportation.

20 (a) \$6,000,000 of the amount provided in this subsection is  
21 provided solely for grants to nonprofit providers of special needs  
22 transportation. Grants for nonprofit providers shall be based on need,  
23 including the availability of other providers of service in the area,  
24 efforts to coordinate trips among providers and riders, and the cost  
25 effectiveness of trips provided.

26 (b) \$20,000,000 of the amount provided in this subsection is  
27 provided solely for grants to transit agencies to transport persons  
28 with special transportation needs. To receive a grant, the transit  
29 agency must have a maintenance of effort for special needs  
30 transportation that is no less than the previous year's maintenance of  
31 effort for special needs transportation. Grants for transit agencies  
32 shall be prorated based on the amount expended for demand response  
33 service and route deviated service in calendar year 2007 as reported in  
34 the "Summary of Public Transportation - 2007" published by the  
35 department of transportation. No transit agency may receive more than  
36 thirty percent of these distributions.



1 (2) Funds are provided for the rural mobility grant program as  
2 follows:

3 (a) \$9,500,000 of the multimodal transportation account--state  
4 appropriation is provided solely for grants for those transit systems  
5 serving small cities and rural areas as identified in the "Summary of  
6 Public Transportation - 2007" published by the department of  
7 transportation. Noncompetitive grants must be distributed to the  
8 transit systems serving small cities and rural areas in a manner  
9 similar to past disparity equalization programs.

10 (b) \$9,500,000 of the multimodal transportation account--state  
11 appropriation is provided solely to providers of rural mobility service  
12 in areas not served or underserved by transit agencies through a  
13 competitive grant process.

14 (c) \$1,000,000 of the multimodal transportation account--state  
15 appropriation is provided solely for vanpool grants to rural transit  
16 agencies to cover the capital cost of adding vans. The grants must be  
17 administered under the same rules and criteria as the statewide vanpool  
18 grant program.

19 (3) \$11,600,000 of the multimodal transportation account--state  
20 appropriation is provided solely for a statewide vanpool grant program  
21 for public transit agencies to cover the capital costs of vans. At  
22 least \$3,600,000 of this amount must be used for vanpool grants in  
23 congested corridors in King, Pierce, Snohomish, Thurston, Clark, and  
24 Spokane counties.

25 (4) \$500,000 of the multimodal transportation account--state  
26 appropriation is provided solely to expand park and ride lot capacity  
27 through short-term lease agreements and relocation incentives for  
28 carpools and vanpools.

29 (5)(a) \$2,500,000 of the multimodal transportation account--state  
30 appropriation is provided solely for grants to cities and counties to  
31 expand the commute trip reduction program established in RCW 70.94.521  
32 through 70.94.555 to: (i) Increase voluntary participation by medium-  
33 sized employers (fifty to one hundred employees) in affected urban  
34 growth areas; and (ii) provide state technical support for the expanded  
35 program. The commute trip reduction board shall establish criteria for  
36 grants and statewide trip reduction goals for medium-sized employers,  
37 and report biennially on achievement of the goals as part of the  
38 board's legislative report.

1 (b) \$2,500,000 of the multimodal transportation account--state  
2 appropriation is provided solely for: (i) Grants to local governments  
3 primarily for small employers (under fifty employees) pursuant to the  
4 provisions for growth and transportation efficiency centers established  
5 under RCW 70.94.521 through 70.94.555; (ii) state technical support;  
6 and (iii) the measurement of the effectiveness of the program.

7 (6) \$400,000 of the multimodal transportation account--state  
8 appropriation is provided solely for a grant for a flexible carpooling  
9 pilot project program to be administered and monitored by the  
10 department. Funds are appropriated for one time only. The pilot  
11 project program must: Test and implement at least one flexible  
12 carpooling system in a high-volume commuter area that enables  
13 carpooling without prearrangement; utilize technologies that, among  
14 other things, allow for transfer of ride credits between participants;  
15 and be a membership system that involves prescreening to ensure safety  
16 of the participants. The program must include a pilot project that  
17 targets commuter traffic on the state route number 520 bridge. The  
18 department shall submit to the legislature by December 2010 a report on  
19 the program results and any recommendations for additional flexible  
20 carpooling programs.

21 (7) \$3,317,808 of the multimodal transportation account--state  
22 appropriation and \$21,248,089 of the regional mobility grant program  
23 account--state appropriation are reappropriated and provided solely for  
24 the regional mobility grant projects identified in LEAP Transportation  
25 Document 2007-B, as developed April 20, 2007; LEAP Transportation  
26 Document 2006-D, as developed March 8, 2006; or as selected by the  
27 legislature from the priority list to be submitted by the department in  
28 January 2009. Any project that has been awarded funds but has not  
29 reported activity within one year of the grant award must be reviewed  
30 by the department to determine whether the grant award should be  
31 terminated. If the grant award is terminated, the funds lapse. It is  
32 the intent of the legislature to appropriate funds through the regional  
33 mobility grant program only for projects that will be completed on  
34 schedule.

35 (8) \$14,959,600 of the regional mobility grant program account--  
36 state appropriation is provided solely for the regional mobility grant  
37 projects identified in LEAP Transportation Document 2009-B, as  
38 developed March 30, 2009. The department shall review all projects

receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(9) \$80,000 of the multimodal transportation account--state appropriation is provided solely to the department of transportation to distribute for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009 (special needs transportation). If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State

Appropriation . . . . . \$404,720,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$52,463,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. Any expenditures for fuel hedging payments may be considered vessel operating fuel payments.

(2) To protect the waters of Puget Sound, the Washington state ferries shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

1 (3) If the Washington state ferries considers implementing a fuel  
2 surcharge, they must first submit an analysis and business plan to the  
3 office of financial management and either the joint transportation  
4 committee or the transportation committees of the legislature. The  
5 analysis must include an evaluation of other cost savings and fuel  
6 price stabilization strategies that would be implemented before the  
7 imposition of a fuel surcharge.

8 (4) The department shall strive to significantly reduce the number  
9 of injuries suffered by Washington state ferries employees. By  
10 December 15, 2009, the department shall submit to the office of  
11 financial management and the transportation committees of the  
12 legislature its implementation plan to reduce such injuries.

13 (5) The Washington state ferries shall continue to provide service  
14 to Sidney, British Columbia. The Washington state ferries may place a  
15 Sidney terminal departure surcharge on fares for out of state residents  
16 riding the Washington state ferry route that runs between Anacortes,  
17 Washington and Sidney, British Columbia, if the cost for  
18 landing/license fee, taxes, and additional amounts charged for docking  
19 are in excess of \$280,000 CDN. The surcharge must be limited to  
20 recovering amounts above \$280,000 CDN.

21 (6) The Washington state ferries shall analyze operational  
22 solutions to enhance service on the Bremerton to Seattle ferry run.  
23 The Washington state ferries shall report their analysis to the  
24 transportation committees of the legislature by December 1, 2009.

25 (7) The office of financial management budget instructions require  
26 agencies to recast enacted budgets into activities. The Washington  
27 state ferries shall include a greater level of detail in the recast of  
28 the ferry budget, as determined jointly by the office of financial  
29 management, the Washington state ferries, and the legislative  
30 transportation committees.

31 (8) \$8,000,000 of the Puget Sound ferry operations account--state  
32 appropriation is to be placed in unallotted status until the office of  
33 financial management, after consultation with the house of  
34 representatives and senate transportation committees, has approved the  
35 rates and conditions of commercial insurance purchased for ferry  
36 assets.

37 (9) As a priority task, the Washington state ferries is directed to  
38 propose a comprehensive incident and accident investigation policy and

1 appropriate procedures, and to provide the proposal to the legislature  
2 by November 1, 2009, using existing resources and staff expertise. In  
3 addition to consulting with ferry system unions and the United States  
4 coast guard, the Washington state ferries is encouraged to solicit  
5 independent outside expertise on incident and accident investigation  
6 best practices as they may be found in other organizations with a  
7 similar concern for marine safety. It is the intent of the legislature  
8 to enact the policies into law and to publish that law and procedures  
9 as a manual for Washington state ferries' accident/incident  
10 investigations. Until that time, the Washington state ferry system  
11 must exercise particular diligence to assure that any incident or  
12 accident investigations are conducted within the spirit of the  
13 guidelines of this act. The proposed policy must contain, at a  
14 minimum:

15 (a) The definition of an incident and an accident and the type of  
16 investigation that is required by both types of events;

17 (b) The process for appointing an investigating officer or officers  
18 and a description of the authorities and responsibilities of the  
19 investigating officer or officers. The investigating officer or  
20 officers must:

21 (i) Have the appropriate training and experience as determined by  
22 the policy;

23 (ii) Not have been involved in the incident or accident so as to  
24 avoid any conflict of interest;

25 (iii) Have full access to all persons, records, and relevant  
26 organizations that may have information about or may have contributed  
27 to, directly or indirectly, the incident or accident under  
28 investigation, in compliance with any affected employee's or employees'  
29 respective collective bargaining agreement and state laws and rules  
30 regarding public disclosure under chapter 42.56 RCW;

31 (iv) Be provided with, if requested by the investigating officer or  
32 officers, appropriate outside technical expertise; and

33 (v) Be provided with staff and legal support by the Washington  
34 state ferries as may be appropriate to the type of investigation;

35 (c) The process of working with the affected employee or employees  
36 in accordance with the employee's or employees' respective collective  
37 bargaining agreement and the appropriate union officials, within  
38 protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State

Appropriation . . . . . \$34,933,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation . . . . . \$8,739,000

Motor Vehicle Account--Federal Appropriation . . . . . \$2,567,000

TOTAL APPROPRIATION . . . . . \$11,306,000

**TRANSPORTATION AGENCIES--CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation . . . . . \$3,126,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.

(2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

<b><u>NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD</u></b>	
Rural Arterial Trust Account--State Appropriation . . . . .	\$51,000,000
Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
County Arterial Preservation Account--State	
Appropriation . . . . .	\$31,400,000
TOTAL APPROPRIATION . . . . .	\$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall

specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State

Appropriation . . . . . \$5,779,000

Urban Arterial Trust Account--State Appropriation . . . . \$122,400,000

Transportation Improvement Account--State

Appropriation . . . . . \$85,643,000

TOTAL APPROPRIATION . . . . . \$213,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

(1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;

(2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;

(3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;

(4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(5) Identifies contingency amounts allocated to projects.



NEW SECTION.    **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**  
**PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation . . . . . \$3,757,000

The appropriation in this section is subject to the following conditions and limitations: \$290,000 of the motor vehicle account--state appropriation is provided solely for reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION.    **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**  
**IMPROVEMENTS--PROGRAM I**

Multimodal Transportation Account--State

Appropriation . . . . . \$1,000

Transportation Partnership Account--State

Appropriation . . . . . \$1,599,350,000

Motor Vehicle Account--State Appropriation . . . . . \$107,339,000

Motor Vehicle Account--Federal Appropriation . . . . . \$404,530,000

Motor Vehicle Account--Private/Local

Appropriation . . . . . \$65,494,000

Special Category C Account--State Appropriation . . . . . \$24,549,000

Transportation 2003 Account (Nickel Account)--State

Appropriation . . . . . \$750,085,000

Freight Mobility Multimodal Account--State

Appropriation . . . . . \$4,422,000

Tacoma Narrows Toll Bridge Account--State Appropriation . . . \$788,000

State Route Number 520 Corridor Account--State

Appropriation . . . . . \$270,000,000

TOTAL APPROPRIATION . . . . . \$3,226,558,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Improvement Program (I), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

1       (2) As a result of economic changes since the initial development  
2 of the improvement program budget for the 2009-11 fiscal biennium, the  
3 department has received bids on construction contracts over the last  
4 several months that are favorable with respect to current estimates of  
5 project costs. National economic forecasts indicate that inflationary  
6 pressures are likely to remain lower than previously expected for the  
7 next several years. As a result, the nominal project cost totals shown  
8 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11  
9 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed  
10 the likely amount necessary to deliver the projects listed within those  
11 biennia by fifty million dollars in each biennium. The appropriations  
12 provided in this section for the projects in those biennia are fifty  
13 million dollars less than the aggregate total of project costs listed.  
14 It is the intent of the legislature that the department shall deliver  
15 the projects listed in LEAP Transportation Document 2009-1 within the  
16 time, scope, and budgets identified in that document, provided that the  
17 prices of commodities used in transportation projects do not differ  
18 significantly from those assumed for the 2009-11 and 2011-13 fiscal  
19 biennia in the March 2009 forecast of the economic and revenue forecast  
20 council.

21       (3) \$62,874,000 of the transportation partnership account--state  
22 appropriation and \$270,000,000 of the state route number 520 corridor  
23 account--state appropriation are provided solely for replacement of the  
24 state route number 520 bridge for projects for which the designs are  
25 agreed upon. The department shall submit an application for the  
26 eastside transit and HOV project to the supplemental discretionary  
27 grant program for regionally significant projects as provided in the  
28 American Recovery and Reinvestment Act of 2009. If federal stimulus  
29 funds are received, an equivalent amount of the funds already  
30 identified for this project must be earmarked for the construction of  
31 the projects on the west side of the state route number 520 corridor.  
32 Eastside state route number 520 improvements shall be designed and  
33 constructed to accommodate a future full interchange at 124th Avenue  
34 Northeast. Concurrent with the eastside transit and HOV project, the  
35 department shall conduct engineering design of a full interchange at  
36 124th Avenue Northeast.

37       (4) As required under section 305(6), chapter 518, Laws of 2007,

1 the department shall report by January 2010 to the transportation  
2 committees of the legislature on the findings of the King county noise  
3 reduction solutions pilot project.

4 (5) Funding allocated for mitigation costs is provided solely for  
5 the purpose of project impact mitigation, and shall not be used to  
6 develop or otherwise participate in the environmental assessment  
7 process.

8 (6) The department shall apply for surface transportation program  
9 (STP) enhancement funds to be expended in lieu of or in addition to  
10 state funds for eligible costs of projects in Programs I and P  
11 including, but not limited to, the SR 518, SR 520, Columbia river  
12 crossing, and Alaskan Way viaduct projects.

13 (7) The department shall, on a quarterly basis beginning July 1,  
14 2009, provide to the office of financial management and the legislature  
15 reports providing the status on each active project funded in part or  
16 whole by the transportation 2003 account (nickel account) or the  
17 transportation partnership account. Funding provided at a programmatic  
18 level for transportation partnership account and transportation 2003  
19 account (nickel account) projects relating to bridge rail, guard rail,  
20 fish passage barrier removal, and roadside safety projects should be  
21 reported on a programmatic basis. Projects within this programmatic  
22 level funding should be completed on a priority basis and scoped to be  
23 completed within the current programmatic budget. The department shall  
24 work with the office of financial management and the transportation  
25 committees of the legislature to agree on report formatting and  
26 elements. Elements must include, but not be limited to, project scope,  
27 schedule, and costs. For new construction contracts valued at fifteen  
28 million dollars or more, the department must also use an earned value  
29 method of project monitoring. The department shall also provide the  
30 information required under this subsection on a quarterly basis via the  
31 transportation executive information systems (TEIS).

32 (8) The transportation 2003 account (nickel account)--state  
33 appropriation includes up to \$704,000,000 in proceeds from the sale of  
34 bonds authorized by RCW 47.10.861.

35 (9) The transportation partnership account--state appropriation  
36 includes up to \$1,261,656,000 in proceeds from the sale of bonds  
37 authorized in RCW 47.10.873.

1       (10) The special category C account--state appropriation includes  
2 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW  
3 47.10.812.

4       (11) The motor vehicle account--state appropriation includes up to  
5 \$55,900,000 in proceeds from the sale of bonds authorized in RCW  
6 47.10.843.

7       (12) The department must prepare a tolling study for the Columbia  
8 river crossing project. While conducting the study, the department  
9 must coordinate with the Oregon department of transportation to perform  
10 the following activities:

11       (a) Evaluate the potential diversion of traffic from Interstate 5  
12 to other parts of the transportation system when tolls are implemented  
13 on Interstate 5 in the vicinity of the Columbia river;

14       (b) Evaluate the most advanced tolling technology to maintain  
15 travel time speed and reliability for users of the Interstate 5 bridge;

16       (c) Evaluate available active traffic management technology to  
17 determine the most effective options for technology that could maintain  
18 travel time speed and reliability on the Interstate 5 bridge;

19       (d) Confer with the project sponsor's council, as well as local and  
20 regional governing bodies adjacent to the Interstate 5 Columbia river  
21 crossing corridor and the Interstate 205 corridor regarding the  
22 implementation of tolls, the impacts that the implementation of tolls  
23 might have on the operation of the corridors, the diversion of traffic  
24 to local streets, and potential mitigation measures;

25       (e) Regularly report to the Washington transportation commission  
26 regarding the progress of the study for the purpose of guiding the  
27 commission's potential toll setting on the facility;

28       (f) Research and evaluate options for a potential toll-setting  
29 framework between the Oregon and Washington transportation commissions;

30       (g) Conduct public work sessions and open houses to provide  
31 information to citizens, including users of the bridge and business and  
32 freight interests, regarding implementation of tolls on the Interstate  
33 5 and to solicit citizen views on the following items:

34       (i) Funding a portion of the Columbia river crossing project with  
35 tolls;

36       (ii) Implementing variable tolling as a way to reduce congestion on  
37 the facility; and

1 (iii) Tolling Interstate 205 separately as a management tool for  
2 the broader state and regional transportation system; and

3 (h) Provide a report to the governor and the legislature by January  
4 2010.

5 (13)(a) By January 2010, the department must prepare a traffic and  
6 revenue study for Interstate 405 in King county and Snohomish county  
7 that includes funding for improvements and high occupancy toll lanes,  
8 as defined in RCW 47.56.401, for traffic management. The department  
9 must develop a plan to operate up to two high occupancy toll lanes in  
10 each direction on Interstate 405.

11 (b) For the facility listed in (a) of this subsection, the  
12 department must:

13 (i) Confer with the mayors and city councils of jurisdictions in  
14 the vicinity of the project regarding the implementation of high  
15 occupancy toll lanes and the impacts that the implementation of these  
16 high occupancy toll lanes might have on the operation of the corridor  
17 and adjacent local streets;

18 (ii) Conduct public work sessions and open houses to provide  
19 information to citizens regarding implementation of high occupancy toll  
20 lanes and to solicit citizen views; and

21 (iii) Provide a report to the governor and the legislature by  
22 January 2010.

23 (14) \$9,199,985 of the motor vehicle account--state appropriation  
24 is provided solely for project 100224I, as identified in the LEAP  
25 transportation document in subsection (1) of this section: US 2 high  
26 priority safety project. Expenditure of these funds is for safety  
27 projects on state route number 2 between Skykomish and Gold Bar, which  
28 may include median rumble strips, traffic cameras, and electronic  
29 message signs.

30 (15) Expenditures for the state route number 99 Alaskan Way viaduct  
31 replacement project must be made in conformance with Engrossed  
32 Substitute Senate Bill No. 5768.

33 (16) The department shall conduct a public outreach process to  
34 identify and respond to community concerns regarding the Belfair  
35 bypass. The process must include representatives from Mason county,  
36 the legislature, area businesses, and community members. The  
37 department shall use this process to consider and develop design  
38 alternatives that alter the project's scope so that the community's

needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The legislature is committed to the timely completion of R8A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on Interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009.

(18) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a new interchange between state route number 195 and Cheney-Spokane Road. It is the intent of the legislature that an additional \$6,500,000 will be provided in the 2011-13 omnibus transportation appropriations act to complete this project. As a first priority, the department shall add a right turn lane to improve visibility and traffic flow at the intersection of state route number 195 and Cheney-Spokane Road.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation is provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$30,003,473 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood

1 impacts. Therefore, it is the intent of the legislature that the  
2 state, city, and county departments of transportation establish a  
3 single source of accountability for integration, coordination,  
4 tracking, and information of all requisite components of the  
5 replacement project, which must include, at a minimum:

6 (a) A master schedule of all subprojects included in the full  
7 replacement project or program; and

8 (b) A single point of contact for the public, media, stakeholders,  
9 and other interested parties.

10 (23) The state route number 520 corridor account--state  
11 appropriation includes up to \$270,000,000 in proceeds from the sale of  
12 bonds authorized in House Bill No. 2326. If House Bill No. 2326 is not  
13 enacted by June 30, 2009, the amount provided in this subsection shall  
14 lapse.

15 (24) The department shall evaluate a potential deep bore culvert  
16 for the state route number 305/Bjorgen creek fish barrier project  
17 identified as project 330514 A in LEAP Transportation Document ALL  
18 PROJECTS 2009-2, as developed March 30, 2009. The department shall  
19 evaluate whether a deep bore culvert will be a less costly alternative  
20 than a traditional culvert since a traditional culvert would require  
21 extensive road detours during construction.

22 (25) \$62,069,026 of the transportation partnership account--state  
23 appropriation, \$113,044,224 of the transportation 2003 account (nickel  
24 account)--state appropriation, \$1,411 of the freight mobility  
25 multimodal account--state appropriation, \$181,524 of the motor vehicle  
26 account--private/local appropriation, and \$62,318,460 of the motor  
27 vehicle account--federal appropriation are provided solely for project  
28 300504A, the I-5/Tacoma HOV Improvements project as indicated in the  
29 LEAP transportation document referenced in subsection (1) of this  
30 section.

31 (26) \$2,297,110 of the transportation partnership account--state  
32 appropriation is provided solely for project 330215A, the SR  
33 302/Creviston to Purdy Vicinity project as indicated in the LEAP  
34 transportation document referenced in subsection (1) of this section.

35 (27) \$1,500,000 of the transportation 2003 account (nickel  
36 account)--state appropriation and \$590,737 of the motor vehicle  
37 account--federal appropriation are provided solely for project 370401A,

the state route number 704/cross base highway--new alignment project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(28) \$13,977,496 of the transportation partnership account--state appropriation is a reappropriation provided solely for project 850901F, as identified in the LEAP transportation document in subsection (1) of this section: SR 509/I-5 to Sea-Tac Freight & Congestion Relief. However, this appropriation shall be reduced to reflect expenditures previously made during the 2007-09 fiscal biennium.

(29) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for the Interstate 90 Two Way Transit and HOV Improvement--Stage 2 and 3 project. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project.

(30) Eastside state route number 520 improvements shall be designed and constructed to accommodate a future eastbound slip ramp in the vicinity of state route number 520 and the 148th Avenue Northeast interchange. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design and analysis of an eastbound slip ramp in the vicinity of state route number 520 eastbound and 148th Avenue Northeast.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

Transportation Partnership Account--State

Appropriation . . . . . \$107,377,000

Motor Vehicle Account--State Appropriation . . . . . \$111,009,000

Motor Vehicle Account--Federal Appropriation . . . . . \$514,767,000

Motor Vehicle Account--Private/Local Appropriation . . . . . \$6,417,000

Transportation 2003 Account (Nickel Account)--State

Appropriation . . . . . \$7,237,000

Puyallup Tribal Settlement Account--State

Appropriation . . . . . \$6,500,000

TOTAL APPROPRIATION . . . . . \$753,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as



1 listed by fund, project, and amount in LEAP Transportation Document  
2 2009-1, Highway Preservation Program (P), as developed March 30, 2009.  
3 However, limited transfers of specific line-item project appropriations  
4 may occur between projects for those amounts listed subject to the  
5 conditions and limitations in section 603 of this act.

6 (2) \$544,639 of the motor vehicle account--federal appropriation  
7 and \$280,361 of the motor vehicle account--state appropriation are  
8 provided solely for project 602110F, as identified in the LEAP  
9 transportation document in subsection (1) of this section: SR  
10 21/Keller ferry boat - replace ferry boat. The Keller ferry boat  
11 replacement must consist of a tug and barge.

12 (3) The department shall apply for surface transportation program  
13 (STP) enhancement funds to be expended in lieu of or in addition to  
14 state funds for eligible costs of projects in Programs I and P.

15 (4) \$6,500,000 of the Puyallup tribal settlement account--state  
16 appropriation is provided solely for mitigation costs associated with  
17 the Murray Morgan/11th Street bridge demolition. The department may  
18 negotiate with the city of Tacoma for the purpose of transferring  
19 ownership of the Murray Morgan/11th Street bridge to the city. If the  
20 city agrees to accept ownership of the bridge, the department may use  
21 the Puyallup tribal settlement account appropriation and other  
22 appropriated funds for bridge rehabilitation, bridge replacement,  
23 bridge demolition, and related mitigation. The department's  
24 participation, including prior expenditures, may not exceed  
25 \$39,953,000. Funds may not be expended unless the city of Tacoma  
26 agrees to take ownership of the bridge in its entirety and provides  
27 that the payment of these funds extinguishes any real or implied  
28 agreements regarding future bridge expenditures.

29 (5) The department shall, on a quarterly basis beginning July 1,  
30 2009, provide to the office of financial management and the legislature  
31 reports providing the status on each active project funded in part or  
32 whole by the transportation 2003 account (nickel account) or the  
33 transportation partnership account. Funding provided at a programmatic  
34 level for transportation partnership account projects relating to  
35 seismic bridges should be reported on a programmatic basis. Projects  
36 within this programmatic level funding should be completed on a  
37 priority basis and scoped to be completed within the current  
38 programmatic budget. The department shall work with the office of

1 financial management and the transportation committees of the  
2 legislature to agree on report formatting and elements. Elements must  
3 include, but not be limited to, project scope, schedule, and costs.  
4 For new construction contracts valued at fifteen million dollars or  
5 more, the department must also use an earned value method of project  
6 monitoring. The department shall also provide the information required  
7 under this subsection on a quarterly basis via the transportation  
8 executive information systems (TEIS).

9 (6) The department of transportation shall continue to implement  
10 the lowest life cycle cost planning approach to pavement management  
11 throughout the state to encourage the most effective and efficient use  
12 of pavement preservation funds. Emphasis should be placed on  
13 increasing the number of roads addressed on time and reducing the  
14 number of roads past due.

15 (7) Within existing funds and resources, the department shall  
16 conduct an analysis and produce a report on state highway pavement  
17 replacement needs, level of investment, timing, and strategies for the  
18 next ten years. The department shall include the following in the  
19 report:

20 (a) For asphalt and chip seal: (i) The current backlog of "black"  
21 pavement preservation projects; (ii) the level of investment needed and  
22 schedule to reduce or eliminate the backlog and resume the lowest life-  
23 cycle cost to replace the highway lane miles; and (iii) strategies for  
24 addressing the recent rapid escalation of asphalt prices and using  
25 alternatives to hot mix asphalt;

26 (b) For concrete or "white" pavement: (i) Identification of  
27 concrete rehabilitation and replacement needs in the next ten years;  
28 and (ii) the level of investment, schedule, and strategies for  
29 rehabilitation and replacement, including dowel-bar retrofit, selected  
30 panel replacement, and full replacement; and

31 (c) For all types of pavement: Criteria for determining which type  
32 of pavement will be used for specific projects, including annualized  
33 cost per mile, traffic volume per lane mile, and heavy truck traffic  
34 volume per lane mile.

35 The department shall submit the report to the office of financial  
36 management and the transportation committees of the legislature by  
37 December 31, 2009, in order to inform the development of the 2011-13  
38 omnibus transportation appropriations act.

(8) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation . . . . .	\$6,394,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$9,262,000
TOTAL APPROPRIATION . . . . .	\$15,656,000

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--  
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State	
Appropriation . . . . .	\$125,775,000
Puget Sound Capital Construction Account--Federal	
Appropriation . . . . .	\$38,675,000
Puget Sound Capital Construction Account--Local	
Appropriation . . . . .	\$8,492,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation . . . . .	\$57,336,350
Transportation Partnership Account--State	
Appropriation . . . . .	\$64,784,000
Multimodal Transportation Account--State Appropriation . . . .	\$170,000
TOTAL APPROPRIATION . . . . .	\$297,232,350

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,566,000 of the Puget Sound capital construction account--state appropriation, \$38,675,000 of the Puget Sound capital construction account--federal appropriation, \$64,784,000 of the transportation partnership account--state appropriation, \$67,931,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed March 30, 2009.

1       (2) \$46,436,350 of the transportation 2003 account (nickel  
2 account)--state appropriation and \$63,100,000 of the transportation  
3 partnership account--state appropriation are provided solely for the  
4 acquisition of three new Island Homes class ferry vessels subject to  
5 the conditions and limitations in RCW 47.56.780, the first two of which  
6 shall be used to restore service on the Port Townsend-Keystone route.  
7 The department may add additional passenger capacity to one of these  
8 vessels to make it more flexible within the system in the future, if  
9 doing so does not require additional staffing on the vessel.

10       (3) \$12,900,000 of the transportation 2003 account (nickel  
11 account)--state appropriation is provided solely for the acquisition of  
12 two new 144-auto capacity ferry vessels. Cost savings from the  
13 following initiatives are included in the funding of these vessels:  
14 Washington state ferries' review and update of their vessel life-cycle  
15 cost model as required by this section, and the department of  
16 transportation's implementation of technology efficiencies as required  
17 by section 602 of this act.

18       (4) It is the intent of the legislature that the ferry vessel  
19 construction and future preservation costs associated with the newly  
20 constructed vessels and according to the procurement schedule as  
21 outlined in this subsection be funded with a total of \$537,255,595 over  
22 sixteen years, beginning with the 2009-11 fiscal biennium.

23       (5) \$6,300,000 of the Puget Sound capital construction account--  
24 state appropriation is provided solely for emergency capital costs.

25       (6) The Anacortes terminal may be replaced if additional federal  
26 funds are sought and received by the department. If federal funds  
27 received are not sufficient to replace the terminal, only usable,  
28 discrete phases of the project, up to the amount of federal funds  
29 received, may be constructed with the funds.

30       (7) \$247,000 of the Puget Sound capital construction account--state  
31 appropriation is provided solely for the department to update the  
32 vessel life-cycle cost model by December 31, 2009.

33       (8) \$3,965,000 of the Puget Sound capital construction account--  
34 state appropriation is provided solely for the following vessel  
35 projects: Waste heat recovery pilot project; steering gear ventilation  
36 pilot project; and a new propulsion system for the MV Yakima. Before  
37 beginning these projects, the Washington state ferries must ensure the

vessels' out-of-service time does not negatively impact service to the system.

(9) The Washington state ferries shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(10) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(11) The Washington state ferries shall review and adjust their capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(12) \$3,763,000 of this appropriation is provided solely for the Washington state ferries to develop a reservation system. Of this amount, \$3,118,000 shall be placed in unallotted status until the Washington state ferries develops a plan for a reservation system pilot program and the plan is reviewed by the office of financial management and either the joint transportation committee or the transportation committees of the legislature. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card.

(13) The Washington state ferries shall review and update their vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009.

(14) The Washington state ferries shall review and update their vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

NEW SECTION.    **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation . . . .	\$675,000
Transportation Infrastructure Account--State	
Appropriation . . . . .	\$13,100,000
Multimodal Transportation Account--State	
Appropriation . . . . .	\$97,610,000
Multimodal Transportation Account--Federal	
Appropriation . . . . .	\$16,054,000
Multimodal Transportation Account--Private/Local	
Appropriation . . . . .	\$81,000
TOTAL APPROPRIATION . . . . .	\$127,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a

1 low-interest loan through the freight rail investment bank program to  
2 the Port of Everett for a new rail track to connect a cement loading  
3 facility to the mainline.

4 (iii) Within the amounts provided in this section, \$3,684,000 of  
5 the transportation infrastructure account--state appropriation is for  
6 a low-interest loan through the freight rail investment bank program to  
7 the Port of Quincy for construction of a rail loop.

8 (c)(i) Within the amounts provided in this section, \$1,679,350 of  
9 the multimodal transportation account--state appropriation and \$175,000  
10 of the essential rail assistance account--state appropriation are for  
11 statewide - emergent freight rail assistance projects as follows: Port  
12 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
13 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
14 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
15 700610A) \$337,978; Clark County owned railroad/Vancouver - track  
16 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved  
17 locomotive facility (BIN 711010B) \$366,813.

18 (ii) Within the amounts provided in this section, \$500,000 of the  
19 essential rail assistance account--state appropriation and \$25,000 of  
20 the multimodal transportation account--state appropriation are for a  
21 statewide - emergent freight rail assistance project grant for the  
22 Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A)  
23 project, provided that the grantee first executes a written instrument  
24 that imposes on the grantee the obligation to repay the grant within  
25 thirty days in the event that the grantee discontinues or significantly  
26 diminishes service along the line within a period of five years from  
27 the date that the grant is awarded.

28 (iii) Within the amounts provided in this section, \$337,978 of the  
29 multimodal transportation account--state appropriation is for a  
30 statewide - emergent freight rail assistance project grant for the  
31 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
32 provided that the grantee first documents to the satisfaction of the  
33 department sufficient commitments from the new shipper or shippers to  
34 locate in the publicly owned industrial park west of Creston to ensure  
35 that the net present value of the public benefits of the project is  
36 greater than the grant amount.

37 (d) \$8,100,000 of the transportation infrastructure account--state  
38 appropriation is provided solely for grants to any intergovernmental

1 entity or local rail district to which the department of transportation  
2 assigns the management and oversight responsibility for the business  
3 and economic development elements of existing operating leases on the  
4 Palouse River and Coulee City (PCC) rail lines. The PCC rail line  
5 system is made up of the CW, P&L, and PV Hooper rail lines. Business  
6 and economic development elements include such items as levels of  
7 service and business operating plans, but must not include the state's  
8 oversight of railroad regulatory compliance, rail infrastructure  
9 condition, or real property management issues. The PCC rail system  
10 must be managed in a self-sustaining manner and best efforts must be  
11 used to ensure that it does not require state capital or operating  
12 subsidy beyond the level of state funding expended on it to date. The  
13 assignment of the stated responsibilities to an intergovernmental  
14 entity or rail district must be on terms and conditions as the  
15 department of transportation and the intergovernmental entity or rail  
16 district mutually agree. The grant funds may be used only to refurbish  
17 the rail lines. It is the intent of the legislature to make the funds  
18 appropriated in this section available as grants to an  
19 intergovernmental entity or local rail district for the purposes stated  
20 in this section at least until June 30, 2012, and to reappropriate as  
21 necessary any portion of the appropriation in this section that is not  
22 used by June 30, 2011.

23 (2)(a) The department shall issue a call for projects for the  
24 freight rail investment bank program and the emergent freight rail  
25 assistance program, and shall evaluate the applications according to  
26 the cost benefit methodology developed during the 2008 interim using  
27 the legislative priorities specified in (c) of this subsection. By  
28 November 1, 2010, the department shall submit a prioritized list of  
29 recommended projects to the office of financial management and the  
30 transportation committees of the legislature.

31 (b) When the department identifies a prospective rail project that  
32 may have strategic significance for the state, or at the request of a  
33 proponent of a prospective rail project or a member of the legislature,  
34 the department shall evaluate the prospective project according to the  
35 cost benefit methodology developed during the 2008 interim using the  
36 legislative priorities specified in (c) of this subsection. The  
37 department shall report its cost benefit evaluation of the prospective  
38 rail project, as well as the department's best estimate of an



1 appropriate construction schedule and total project costs, to the  
2 office of financial management and the transportation committees of the  
3 legislature.

4 (c) The legislative priorities to be used in the cost benefit  
5 methodology are, in order of relative importance:

6 (i) Economic, safety, or environmental advantages of freight  
7 movement by rail compared to alternative modes;

8 (ii) Self-sustaining economic development that creates family-wage  
9 jobs;

10 (iii) Preservation of transportation corridors that would otherwise  
11 be lost;

12 (iv) Increased access to efficient and cost-effective transport to  
13 market for Washington's agricultural and industrial products;

14 (v) Better integration and cooperation within the regional,  
15 national, and international systems of freight distribution; and

16 (vi) Mitigation of impacts of increased rail traffic on  
17 communities.

18 (3) The department is directed to seek the use of unprogrammed  
19 federal rail crossing funds to be expended in lieu of or in addition to  
20 state funds for eligible costs of projects in program Y.

21 (4) At the earliest possible date, the department shall apply, and  
22 assist ports and local jurisdictions in applying, for any federal  
23 funding that may be available for any projects that may qualify for  
24 such federal funding. State projects must be (a) currently identified  
25 on the project list referenced in subsection (1)(a) of this section or  
26 (b) projects for which no state match is required to complete the  
27 project. Local or port projects must not require additional state  
28 funding in order to complete the project, with the exception of (c)  
29 state funds currently appropriated for such project if currently  
30 identified on the project list referenced in subsection (1)(a) of this  
31 section or (d) potential grants awarded in the competitive grant  
32 process for the essential rail assistance program. If the department  
33 receives any federal funding, the department is authorized to obligate  
34 and spend the federal funds in accordance with federal law. To the  
35 extent permissible by federal law, federal funds may be used (e) in  
36 addition to state funds appropriated for projects currently identified  
37 on the project list referenced in subsection (1)(a) of this section in  
38 order to advance funding from future biennia for such project(s) or (f)

1 in lieu of state funds; however, the state funds must be redirected  
2 within the rail capital program to advance funding for other projects  
3 currently identified on the project list referenced in subsection  
4 (1)(a) of this section. State funds may be redirected only upon  
5 consultation with the transportation committees of the legislature and  
6 the office of financial management, and approval by the director of the  
7 office of financial management. The department shall spend the federal  
8 funds before the state funds, and shall consult the office of financial  
9 management and the transportation committees of the legislature  
10 regarding project scope changes.

11 (5) The department shall provide quarterly reports to the office of  
12 financial management and the transportation committees of the  
13 legislature regarding applications that the department submits for  
14 federal funds, the status of such applications, and the status of  
15 projects identified on the list referenced in subsection (1)(a) of this  
16 section. The quarterly report regarding the status of projects  
17 identified on the list referenced in subsection (1)(a) of this section  
18 must be developed according to an earned value method of project  
19 monitoring.

20 (6) The multimodal transportation account--state appropriation  
21 includes up to \$43,616,000 in proceeds from the sale of bonds  
22 authorized in RCW 47.10.867.

23 (7) When the balance of that portion of the miscellaneous program  
24 account apportioned to the department for the grain train program  
25 reaches \$1,180,000, the department shall acquire twenty-nine additional  
26 grain train railcars.

27 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--**  
28 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

29	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
30	Highway Infrastructure Account--Federal	
31	Appropriation . . . . .	\$1,602,000
32	Freight Mobility Investment Account--State	
33	Appropriation . . . . .	\$13,048,000
34	Transportation Partnership Account--State	
35	Appropriation . . . . .	\$8,363,000
36	Motor Vehicle Account--State Appropriation . . . . .	\$11,745,000
37	Motor Vehicle Account--Federal Appropriation . . . . .	\$37,569,000

1	Freight Mobility Multimodal Account--State	
2	Appropriation . . . . .	\$13,918,000
3	Freight Mobility Multimodal Account--Local	
4	Appropriation . . . . .	\$3,135,000
5	Multimodal Transportation Account--Federal	
6	Appropriation . . . . .	\$2,098,000
7	Multimodal Transportation Account--State	
8	Appropriation . . . . .	\$23,340,000
9	Transportation 2003 Account (Nickel Account)--State	
10	Appropriation . . . . .	\$709,000
11	Passenger Ferry Account--State Appropriation . . . . .	\$2,879,000
12	TOTAL APPROPRIATION . . . . .	\$118,613,000

13       The appropriations in this section are subject to the following  
14 conditions and limitations:

15       (1) The department shall, on a quarterly basis, provide status  
16 reports to the legislature on the delivery of projects as outlined in  
17 the project lists incorporated in this section. For projects funded by  
18 new revenue in the 2003 and 2005 transportation packages, reporting  
19 elements shall include, but not be limited to, project scope, schedule,  
20 and costs. Other projects may be reported on a programmatic basis.  
21 The department shall also provide the information required under this  
22 subsection on a quarterly basis via the transportation executive  
23 information system (TEIS).

24       (2) \$2,729,000 of the passenger ferry account--state appropriation  
25 is provided solely for near and long-term costs of capital improvements  
26 in a business plan approved by the governor for passenger ferry  
27 service.

28       (3) \$150,000 of the passenger ferry account--state appropriation is  
29 provided solely for the Port of Kingston for a one-time operating  
30 subsidy needed to retain a federal grant.

31       (4) \$3,000,000 of the motor vehicle account--federal appropriation  
32 is provided solely for the Coal Creek parkway project (L1000025).

33       (5) The department shall seek the use of unprogrammed federal rail  
34 crossing funds to be expended in lieu of or in addition to state funds  
35 for eligible costs of projects in local programs, program Z capital.

36       (6) The department shall apply for surface transportation program  
37 (STP) enhancement funds to be expended in lieu of or in addition to

1 state funds for eligible costs of projects in local programs, program  
2 Z capital.

3 (7) Federal funds may be transferred from program Z to programs I  
4 and P and state funds shall be transferred from programs I and P to  
5 program Z to replace those federal funds in a dollar-for-dollar match.  
6 Fund transfers authorized under this subsection shall not affect  
7 project prioritization status. Appropriations shall initially be  
8 allotted as appropriated in this act. The department may not transfer  
9 funds as authorized under this subsection without approval of the  
10 office of financial management. The department shall submit a report  
11 on those projects receiving fund transfers to the office of financial  
12 management and the transportation committees of the legislature by  
13 December 1, 2009, and December 1, 2010.

14 (8) The city of Winthrop may utilize a design-build process for the  
15 Winthrop bike path project. Of the amount appropriated in this section  
16 for this project, \$500,000 of the multimodal transportation account--  
17 state appropriation is contingent upon the state receiving from the  
18 city of Winthrop \$500,000 in federal funds awarded to the city of  
19 Winthrop by its local planning organization.

20 (9) \$14,182,113 of the multimodal transportation account--state  
21 appropriation, \$8,753,895 of the motor vehicle account--federal  
22 appropriation, and \$4,000,000 of the transportation partnership  
23 account--state appropriation are provided solely for the pedestrian and  
24 bicycle safety program projects and safe routes to schools program  
25 projects identified in LEAP Transportation Document 2009-A, pedestrian  
26 and bicycle safety program projects and safe routes to schools program  
27 projects, as developed March 30, 2009, LEAP Transportation Document  
28 2007-A, pedestrian and bicycle safety program projects and safe routes  
29 to schools program projects, as developed April 20, 2007, and LEAP  
30 Transportation Document 2006-B, pedestrian and bicycle safety program  
31 projects and safe routes to schools program projects, as developed  
32 March 8, 2006. Projects must be allocated funding based on order of  
33 priority. The department shall review all projects receiving grant  
34 awards under this program at least semiannually to determine whether  
35 the projects are making satisfactory progress. Any project that has  
36 been awarded funds, but does not report activity on the project within  
37 one year of the grant award must be reviewed by the department to  
38 determine whether the grant should be terminated. The department shall

promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as developed March 30, 2009.

(11) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(12) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.

#### TRANSFERS AND DISTRIBUTIONS

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation . . . . .	\$693,602,000
Ferry Bond Retirement Account Appropriation . . . . .	\$33,770,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation . . . . .	\$23,205,000
Nondebt-Limit Reimbursable Account Appropriation . . . . .	\$17,282,000
Transportation Partnership Account--State	

1       Appropriation . . . . . \$4,656,000  
2   Motor Vehicle Account--State Appropriation . . . . . \$658,000  
3   Transportation 2003 Account (Nickel Account)--State  
4       Appropriation . . . . . \$2,605,000  
5   Special Category C Account--State Appropriation . . . . . \$82,000  
6   Urban Arterial Trust Account--State Appropriation . . . . . \$56,000  
7   Transportation Improvement Account--State Appropriation . . . . \$26,000  
8   Multimodal Transportation Account--State Appropriation . . . . \$161,000  
9       TOTAL APPROPRIATION . . . . . \$776,103,000

10       NEW SECTION.   **Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT**  
11   **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**  
12   **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

13   Transportation Partnership Account--State Appropriation . . . \$629,000  
14   Motor Vehicle Account--State Appropriation . . . . . \$89,000  
15   Transportation 2003 Account (Nickel Account)--State  
16       Appropriation . . . . . \$352,000  
17   Special Category C Account--State Appropriation . . . . . \$11,000  
18   Urban Arterial Trust Account--State Appropriation . . . . . \$8,000  
19   Transportation Improvement Account--State Appropriation . . . . \$4,000  
20   Multimodal Transportation Account--State Appropriation . . . . \$22,000  
21       TOTAL APPROPRIATION . . . . . \$1,115,000

22       NEW SECTION.   **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**  
23   **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**  
24   **MVFT BONDS AND TRANSFERS**

25       Motor Vehicle Account--State Appropriation:  
26   For transfer to the Puget Sound Capital Construction  
27   Account . . . . . \$122,000,000

28       The department of transportation is authorized to sell up to  
29   \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and  
30   terminal acquisition, major and minor improvements, and long lead-time  
31   materials acquisition for the Washington state ferries.

32       NEW SECTION.   **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**  
33   **FOR DISTRIBUTION**

34       Motor Vehicle Account Appropriation for  
35   motor vehicle fuel tax distributions to cities

1    and counties . . . . . \$488,843,000

2        NEW SECTION.    **Sec. 405.    FOR THE STATE TREASURER--TRANSFERS**

3        Motor Vehicle Account--State

4    Appropriation:    For motor vehicle fuel tax

5    refunds and statutory transfers . . . . . \$1,310,279,000

6        NEW SECTION.    **Sec. 406.    FOR THE DEPARTMENT OF LICENSING--**

7        **TRANSFERS**

8        Motor Vehicle Account--State

9    Appropriation:    For motor vehicle fuel tax

10   refunds and transfers . . . . . \$129,178,000

11        NEW SECTION.    **Sec. 407.    FOR THE STATE TREASURER--ADMINISTRATIVE**

12        **TRANSFERS**

13        (1) Tacoma Narrows Toll Bridge Account--State

14    Appropriation:    For transfer to the Motor Vehicle

15    Account--State . . . . . \$5,288,000

16        (2) Motor Vehicle Account--State Appropriation:

17    For transfer to the Puget Sound Ferry Operations

18    Account--State . . . . . \$12,000,000

19        (3) Recreational Vehicle Account--State

20    Appropriation:    For transfer to the Motor Vehicle

21    Account--State . . . . . \$1,645,000

22        (4) License Plate Technology Account--State

23    Appropriation:    For transfer to the Motor Vehicle

24    Account--State . . . . . \$2,750,000

25        (5) Multimodal Transportation Account--State

26    Appropriation:    For transfer to the Puget Sound

27    Ferry Operations Account--State . . . . . \$20,000,000

28        (6) Waste Tire Removal Account--State Appropriation:

29    For transfer to the Motor Vehicle Account--State . . . . . \$5,000,000

30        (7) Highway Safety Account--State Appropriation:

31    For transfer to the Multimodal Transportation

32    Account--State . . . . . \$15,000,000

33        (8) Department of Licensing Services Account--State

34    Appropriation:    For transfer to the Motor Vehicle

35    Account--State . . . . . \$1,500,000

1       (9) State Patrol Highway Account--State Appropriation:  
2       For transfer to the Motor Vehicle Account--State . . . . . \$10,000,000  
3       (10) Motor Vehicle Account--State Appropriation:  
4       For transfer to the High Occupancy Toll Lanes Operations  
5       Account . . . . . \$1,000,000  
6       (11) Advanced Right-of-Way Account: For transfer  
7       to the Motor Vehicle Account--State . . . . . \$14,000,000  
8       (12) Regional Mobility Grant Program Account--State  
9       Appropriation: For transfer to the Multimodal  
10       Transportation Account--State . . . . . \$30,000,000  
11       (13) Multimodal Transportation Account--State  
12       Appropriation: For transfer to the Puget Sound Capital  
13       Construction Account--State . . . . . \$1,500,000

14       The transfers identified in this section are subject to the  
15       following conditions and limitations: The amount transferred in  
16       subsection (1) of this section represents repayment of operating loans  
17       and reserve payments provided to the Tacoma Narrows toll bridge account  
18       from the motor vehicle account in the 2005-07 fiscal biennium.

19       NEW SECTION.   **Sec. 408. STATUTORY APPROPRIATIONS.** In addition to  
20       the amounts appropriated in this act for revenue for distribution,  
21       state contributions to the law enforcement officers' and firefighters'  
22       retirement system, and bond retirement and interest including ongoing  
23       bond registration and transfer charges, transfers, interest on  
24       registered warrants, and certificates of indebtedness, there is also  
25       appropriated such further amounts as may be required or available for  
26       these purposes under any statutory formula or under any proper bond  
27       covenant made under law.

28       NEW\_\_SECTION.   **Sec. 409.** The department of transportation is  
29       authorized to undertake federal advance construction projects under the  
30       provisions of 23 U.S.C. Sec. 115 in order to maintain progress in  
31       meeting approved highway construction and preservation objectives. The  
32       legislature recognizes that the use of state funds may be required to  
33       temporarily fund expenditures of the federal appropriations for the  
34       highway construction and preservation programs for federal advance  
35       construction projects prior to conversion to federal funding.



NEW\_SECTION. Sec. 501. FOR THE OFFICE FINANCIAL MANAGEMENT--  
REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State . . . . .	(\$34,000)
Grade Crossing Protective Account--State . . . . .	(\$2,000)
State Patrol Highway Account--State . . . . .	(\$12,723,000)
Motorcycle Safety Education Account--State . . . . .	(\$14,000)
High Occupancy Toll Lanes Operations Account--State . . . . .	(\$16,000)
Rural Arterial Trust Account--State . . . . .	(\$16,000)
Wildlife Account--State . . . . .	(\$12,000)
Highway Safety Account--State . . . . .	(\$1,543,000)
Highway Safety Account--Federal . . . . .	(\$46,000)
Motor Vehicle Account--State . . . . .	(\$8,240,000)
Puget Sound Ferry Operations Account--State . . . . .	(\$4,147,000)
Urban Arterial Trust Account--State . . . . .	(\$22,000)
Transportation Improvement Account--State . . . . .	(\$22,000)
County Arterial Preservation Account--State . . . . .	(\$18,000)
Department of Licensing Services Account--State . . . . .	(\$30,000)
Multimodal Transportation Account--State . . . . .	(\$138,000)
Tacoma Narrows Toll Bridge Account--State . . . . .	(\$24,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document Z9-2009.

NEW SECTION. Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT--  
REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State . . . . .	\$14,000
State Patrol Highway Account--State . . . . .	\$2,409,000
Motorcycle Safety Education Account--State . . . . .	\$9,000
Puget Sound Capital Construction--State . . . . .	\$134,000
High Occupancy Toll Lanes Operations Account--State . . . . .	\$8,000
Rural Arterial Trust Account--State . . . . .	\$6,000
Wildlife Account--State . . . . .	\$6,000
Highway Safety Account--State . . . . .	\$1,011,000
Highway Safety Account--Federal . . . . .	\$22,000

Motor Vehicle Account--State . . . . . \$7,783,000  
Puget Sound Ferry Operations Account--State . . . . . \$2,054,000  
Urban Arterial Trust Account--State . . . . . \$8,000  
Transportation Improvement Account--State . . . . . \$8,000  
County Arterial Preservation Account--State . . . . . \$6,000  
Department of Licensing Services Account--State . . . . . \$12,000  
Multimodal Transportation Account--State . . . . . \$68,000  
Tacoma Narrows Toll Bridge Account--State . . . . . \$12,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document 6M-2009.

#### IMPLEMENTING PROVISIONS

NEW SECTION. **Sec. 601. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;

1 (d) Ensuring appropriate transfer of technological expertise for  
2 the operation of any new systems developed using external resources;  
3 and

4 (e) Progress toward enabling electronic access to public  
5 information.

6 (3) Each project will be planned and designed to take optimal  
7 advantage of Internet technologies and protocols. Agencies shall  
8 ensure that the project is in compliance with the architecture,  
9 infrastructure, principles, policies, and standards of digital  
10 government as maintained by the information services board.

11 (4) The agency shall produce a feasibility study for information  
12 technology projects at the direction of the information services board  
13 and in accordance with published department of information services  
14 policies and guidelines. At a minimum, such studies shall include a  
15 statement of: (a) The purpose or impetus for change; (b) the business  
16 value to the agency, including an examination and evaluation of  
17 benefits, advantages, and cost; (c) a comprehensive risk assessment  
18 based on the proposed project's impact on both citizens and state  
19 operations, its visibility, and the consequences of doing nothing; (d)  
20 the impact on agency and statewide information infrastructure; and (e)  
21 the impact of the proposed enhancements to an agency's information  
22 technology capabilities on meeting service delivery demands.

23 (5) The agency shall produce a comprehensive management plan for  
24 each project. The plan or plans shall address all factors critical to  
25 successful completion of each project. The plan(s) shall include, but  
26 is not limited to, the following elements: A description of the  
27 problem or opportunity that the information technology project is  
28 intended to address; a statement of project objectives and assumptions;  
29 a definition and schedule of phases, tasks, and activities to be  
30 accomplished; and the estimated cost of each phase. The planning for  
31 the phased approach shall be such that the business case justification  
32 for a project needs to demonstrate how the project recovers cost or  
33 adds measurable value or positive cost benefit to the agency's business  
34 functions within each development cycle.

35 (6) The agency shall produce quality assurance plans for  
36 information technology projects. Consistent with the direction of the  
37 information services board and the published policies and guidelines of  
38 the department of information services, the quality assurance plan

1 shall address all factors critical to successful completion of the  
2 project and successful integration with the agency and state  
3 information technology infrastructure. At a minimum, quality assurance  
4 plans shall provide time and budget benchmarks against which project  
5 progress can be measured, a specification of quality assurance  
6 responsibilities, and a statement of reporting requirements. The  
7 quality assurance plans shall set out the functionality requirements  
8 for each phase of a project.

9 (7) A copy of each feasibility study, project management plan, and  
10 quality assurance plan shall be provided to the department of  
11 information services, the office of financial management, and  
12 legislative fiscal committees. The plans and studies shall demonstrate  
13 a sound business case that justifies the investment of taxpayer funds  
14 on any new project, an assessment of the impact of the proposed system  
15 on the existing information technology infrastructure, the disciplined  
16 use of preventative measures to mitigate risk, and the leveraging of  
17 private-sector expertise as needed. Authority to expend any funds for  
18 individual information systems projects is conditioned on the approval  
19 of the relevant feasibility study, project management plan, and quality  
20 assurance plan by the department of information services and the office  
21 of financial management.

22 (8) Quality assurance status reports shall be submitted to the  
23 department of information services, the office of financial management,  
24 and legislative fiscal committees at intervals specified in the  
25 project's quality assurance plan.

26 NEW SECTION. **Sec. 602.** Due to the state of the economy affecting  
27 state budgets, the state is reviewing agency spending plans to identify  
28 areas in which new technologies can be applied to achieve greater  
29 efficiencies, economies of scale, and save the state money.  
30 Information technology and communications is an area where the state  
31 can save millions of dollars, if managed well. If information  
32 technology and communications are managed poorly, by not planning  
33 effectively and taking advantage of new capabilities, this can also  
34 cost the state millions of dollars.

35 By July 1, 2009, each transportation agency is required to begin  
36 implementing a holistic virtualization strategy to take advantage of  
37 information technology infrastructure savings in the areas of capital

1 and operating costs at the server, desktop, network, data storage,  
2 business continuance, and disaster recovery levels. This includes a  
3 disaster recovery strategy and roadmap, a unified storage strategy, a  
4 network infrastructure plan, and a centralized management plan for  
5 servers and applications. The business needs, business strategy, and  
6 mission of each agency must be tied to the technical strategy,  
7 including the completion of an impact analysis showing a quantifiable  
8 return on investment analysis for cost savings/avoidance.

9 By July 1, 2009, due to the large increase in networks to move an  
10 increasingly large amount of data, transportation agencies are to begin  
11 implementing wide area network optimization technologies to improve  
12 application performance while decreasing continuing requests for  
13 additional bandwidth and save the state money.

14 By January 1, 2010, each transportation agency shall have a plan  
15 and begin its implementation for moving from legacy communication  
16 systems that are outdated and costly and implement new voice over  
17 internet protocol communications systems. Each agency is required to  
18 begin implementing a holistic communications and collaboration strategy  
19 to take advantage of information technology infrastructure savings in  
20 the areas of capital and operating costs, decrease statewide  
21 communication costs, and increase communications and collaboration  
22 capabilities.

23 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation  
24 2003 projects or improvements and the 2005 transportation partnership  
25 projects or improvements are listed in LEAP Transportation Document  
26 2009-1, which consists of a list of specific projects by fund source  
27 and amount over a sixteen year period. Current fiscal biennium funding  
28 for each project is a line item appropriation, while the outer year  
29 funding allocations represent a sixteen year plan. The department is  
30 expected to use the flexibility provided in this section to assist in  
31 the delivery and completion of all transportation partnership account  
32 and transportation 2003 (nickel) account projects on the LEAP lists  
33 referenced in this act. For the 2009-11 project appropriations, unless  
34 otherwise provided in this act, the director of financial management  
35 may authorize a transfer of appropriation authority between projects  
36 funded with transportation 2003 account (nickel account)  
37 appropriations, transportation partnership account appropriations, or

1 multimodal transportation account appropriations, in order to manage  
2 project spending and efficiently deliver all projects in the respective  
3 program under the following conditions and limitations:

4 (a) Transfers may only be made within each specific fund source  
5 referenced on the respective project list;

6 (b) Transfers from a project may not be made as a result of the  
7 reduction of the scope of a project, nor shall a transfer be made to  
8 support increases in the scope of a project;

9 (c) Each transfer between projects may only occur if the director  
10 of financial management finds that any resulting change will not hinder  
11 the completion of the projects as approved by the legislature. Until  
12 the legislature reconvenes to consider the 2010 supplemental budget,  
13 any unexpended 2007-09 appropriation balance as approved by the office  
14 of financial management, in consultation with the legislative staff of  
15 the house of representatives and senate transportation committees, may  
16 be considered when transferring funds between projects;

17 (d) Transfers from a project may be made if the funds appropriated  
18 to the project are in excess of the amount needed to complete the  
19 project;

20 (e) Transfers may not occur to projects not identified on the  
21 applicable project list, except for those projects that were expected  
22 to be completed in the 2007-09 fiscal biennium; and

23 (f) Transfers may not be made while the legislature is in session.

24 (2) At the time the department submits a request to transfer funds  
25 under this section a copy of the request shall be submitted to the  
26 transportation committees of the legislature.

27 (3) The office of financial management shall work with legislative  
28 staff of the house of representatives and senate transportation  
29 committees to review the requested transfers.

30 (4) The office of financial management shall document approved  
31 transfers and/or schedule changes in the transportation executive  
32 information system (TEIS), compare changes to the legislative baseline  
33 funding and schedules identified by project identification number  
34 identified in the LEAP lists adopted in this act, and transmit revised  
35 project lists to chairs of the transportation committees of the  
36 legislature on a quarterly basis.

1        NEW SECTION.    **Sec. 604. MEGA-PROJECT REPORTING.** Mega-projects are  
2 defined as individual or groups of related projects that cost  
3 \$1,000,000,000 or more. These projects include, but are not limited  
4 to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane  
5 corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office  
6 of financial management shall track mega-projects and report the  
7 financial status and schedule of these projects at least once a year to  
8 the transportation committees of the legislature. The design of mega-  
9 projects must be evaluated considering cost, capacity, safety, mobility  
10 needs, and how well the design of the facility fits within its urban  
11 environment.

12        NEW \_\_ SECTION.    **Sec. 605.** Executive Order number 05-05,  
13 archaeological and cultural resources, was issued effective November  
14 10, 2005. Agencies and higher education institutions that issue grants  
15 or loans for capital projects shall comply with the requirements set  
16 forth in this executive order.

17                                    **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

18        **Sec. 701.** RCW 46.68.170 and 2007 c 518 s 701 are each amended to  
19 read as follows:

20        There is hereby created in the motor vehicle fund the RV account.  
21 All moneys hereafter deposited in said account shall be used by the  
22 department of transportation for the construction, maintenance, and  
23 operation of recreational vehicle sanitary disposal systems at safety  
24 rest areas in accordance with the department's highway system plan as  
25 prescribed in chapter 47.06 RCW. During the ((2005-2007-and)) 2007-  
26 2009 and 2009-2011 fiscal biennia, the legislature may transfer from  
27 the RV account to the motor vehicle fund such amounts as reflect the  
28 excess fund balance of the RV account.

29        **Sec. 702.** RCW 47.29.170 and 2007 c 518 s 702 are each amended to  
30 read as follows:

31        Before accepting any unsolicited project proposals, the commission  
32 must adopt rules to facilitate the acceptance, review, evaluation, and

1 selection of unsolicited project proposals. These rules must include  
2 the following:

3 (1) Provisions that specify unsolicited proposals must meet  
4 predetermined criteria;

5 (2) Provisions governing procedures for the cessation of  
6 negotiations and consideration;

7 (3) Provisions outlining that unsolicited proposals are subject to  
8 a two-step process that begins with concept proposals and would only  
9 advance to the second step, which are fully detailed proposals, if the  
10 commission so directed;

11 (4) Provisions that require concept proposals to include at least  
12 the following information: Proposers' qualifications and experience;  
13 description of the proposed project and impact; proposed project  
14 financing; and known public benefits and opposition; and

15 (5) Provisions that specify the process to be followed if the  
16 commission is interested in the concept proposal, which must include  
17 provisions:

18 (a) Requiring that information regarding the potential project  
19 would be published for a period of not less than thirty days, during  
20 which time entities could express interest in submitting a proposal;

21 (b) Specifying that if letters of interest were received during the  
22 thirty days, then an additional sixty days for submission of the fully  
23 detailed proposal would be allowed; and

24 (c) Procedures for what will happen if there are insufficient  
25 proposals submitted or if there are no letters of interest submitted in  
26 the appropriate time frame.

27 The commission may adopt other rules as necessary to avoid  
28 conflicts with existing laws, statutes, or contractual obligations of  
29 the state.

30 The commission may not accept or consider any unsolicited proposals  
31 before July 1, ((2009)) 2011.

32 NEW SECTION. Sec. 703. To the extent that any appropriation  
33 authorizes expenditures of state funds from the motor vehicle account,  
34 special category C account, Tacoma Narrows toll bridge account,  
35 transportation 2003 account (nickel account), transportation  
36 partnership account, transportation improvement account, Puget Sound  
37 capital construction account, multimodal transportation account, or



1 other transportation capital project account in the state treasury for  
2 a state transportation program that is specified to be funded with  
3 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the  
4 legislature declares that any such expenditures made prior to the issue  
5 date of the applicable transportation bonds for that state  
6 transportation program are intended to be reimbursed from proceeds of  
7 those transportation bonds in a maximum amount equal to the amount of  
8 such appropriation.

9       **Sec. 704.** RCW 46.16.685 and 2007 c 518 s 704 are each amended to  
10 read as follows:

11       The license plate technology account is created in the state  
12 treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be  
13 deposited into this account. Expenditures from this account must  
14 support current and future license plate technology and systems  
15 integration upgrades for both the department and correctional  
16 industries. Moneys in the account may be spent only after  
17 appropriation. Additionally, the moneys in this account may be used to  
18 reimburse the motor vehicle account for any appropriation made to  
19 implement the digital license plate system. During the 2007-2009 and  
20 2009-2011 fiscal ((~~biennium~~)) biennia, the legislature may transfer  
21 from the license plate technology account to the multimodal  
22 transportation account such amounts as reflect the excess fund balance  
23 of the license plate technology account.

24       **Sec. 705.** RCW 47.01.380 and 2006 c 311 s 26 are each amended to  
25 read as follows:

26       The department shall not commence construction on any part of the  
27 state route number 520 bridge replacement and HOV project until a  
28 record of decision has been reached providing reasonable assurance that  
29 project impacts will be avoided, minimized, or mitigated as much as  
30 practicable to protect against further adverse impacts on neighborhood  
31 environmental quality as a result of repairs and improvements made to  
32 the state route number 520 bridge and its connecting roadways, and that  
33 any such impacts will be addressed through engineering design choices,  
34 mitigation measures, or a combination of both. The requirements of  
35 this section shall not apply to off-site pontoon construction

1 supporting the state route number 520 bridge replacement and HOV  
2 project. The requirements of this section shall not apply during the  
3 2009-2011 fiscal biennium.

4 **Sec. 706.** RCW 47.01.390 and 2007 c 518 s 705 are each amended to  
5 read as follows:

6 (1) Prior to commencing construction on either project, the  
7 department of transportation must complete all of the following  
8 requirements for both the Alaskan Way viaduct and Seattle Seawall  
9 replacement project, and the state route number 520 bridge replacement  
10 and HOV project: (a) In accordance with the national environmental  
11 policy act, the department must designate the preferred alternative,  
12 prepare a substantial project mitigation plan, and complete a  
13 comprehensive cost estimate review using the department's cost estimate  
14 validation process, for each project; (b) in accordance with all  
15 applicable federal highway administration planning and project  
16 management requirements, the department must prepare a project finance  
17 plan for each project that clearly identifies secured and anticipated  
18 fund sources, cash flow timing requirements, and project staging and  
19 phasing plans if applicable; and (c) the department must report these  
20 results for each project to the joint transportation committee.

21 (2) The requirements of this section shall not apply to (a) utility  
22 relocation work, and related activities, on the Alaskan Way viaduct and  
23 Seattle Seawall replacement project and (b) off-site pontoon  
24 construction supporting the state route number 520 bridge replacement  
25 and HOV project.

26 (3) The requirements of subsection (1) of this section shall not  
27 apply during the 2007-2009 fiscal biennium.

28 (4) The requirements of subsection (1) of this section shall not  
29 apply during the 2009-2011 fiscal biennium.

30 **Sec. 707.** RCW 47.60.395 and 2007 c 512 s 15 are each amended to  
31 read as follows:

32 (1) The joint legislative audit and review committee shall assess  
33 and report as follows:

34 (a) Audit the implementation of the cost allocation methodology  
35 evaluated under [section 205,] chapter 518, Laws of 2007, as it exists  
36 on July 22, 2007, assessing whether actual costs are allocated

consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

(4) The requirements of this section shall not apply during the 2009-11 fiscal biennium.

**Sec. 708.** RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires

1 to be licensed; however, all applicants for a pilot examination  
2 scheduled to be given before July 1, 2008, must have the United States  
3 pilotage endorsement at the time of application; and

4 (C) The board may require that applicants and pilots have federal  
5 licenses and endorsements as it deems appropriate; and

6 (iv) Successfully completes a board-specified training program.

7 (b) In addition to the requirements of (a) of this subsection, a  
8 pilot applicant must meet such other qualifications as may be required  
9 by the board.

10 (c) A person applying for a license under this section shall not  
11 have been convicted of an offense involving drugs or the personal  
12 consumption of alcohol in the twelve months prior to the date of  
13 application. This restriction does not apply to license renewals under  
14 this section.

15 (3) The board may establish such other training license and pilot  
16 license requirements as it deems appropriate.

17 (4) Pilot applicants shall be evaluated and may be ranked for entry  
18 into a board-specified training program in a manner specified by the  
19 board based on their performance on a written examination or  
20 examinations established by the board, performance on other evaluation  
21 exercises as may be required by the board, and other criteria or  
22 qualifications as may be set by the board.

23 When the board determines that the demand for pilots requires entry  
24 of an applicant into the training program it shall issue a training  
25 license to that applicant, but under no circumstances may an applicant  
26 be issued a training license more than four years after taking the  
27 written entry examination. The training license authorizes the trainee  
28 to do such actions as are specified in the training program.

29 After the completion of the training program the board shall  
30 evaluate the trainee's performance and knowledge. The board, as it  
31 deems appropriate, may then issue a pilot license, delay the issuance  
32 of the pilot license, deny the issuance of the pilot license, or  
33 require further training and evaluation.

34 (5) The board may (a) appoint a special independent committee or  
35 (b) contract with private or governmental entities knowledgeable and  
36 experienced in the development, administration, and grading of  
37 licensing examinations or simulator evaluations for marine pilots, or  
38 (c) do both. Active, licensed pilots designated by the board may

1 participate in the development, administration, and grading of  
2 examinations and other evaluation exercises. If the board does appoint  
3 a special examination or evaluation development committee, it is  
4 authorized to pay the members of the committee the same compensation  
5 and travel expenses as received by members of the board. Any person  
6 who willfully gives advance knowledge of information contained on a  
7 pilot examination or other evaluation exercise is guilty of a gross  
8 misdemeanor.

9 (6) This subsection applies to the review of a pilot applicant's  
10 written examinations and evaluation exercises to qualify to be placed  
11 on a waiting list to become a pilot trainee. Failure to comply with  
12 the process set forth in this subsection renders the results of the  
13 pilot applicant's written examinations and evaluation exercises final.  
14 A pilot applicant may seek board review, administrative review, and  
15 judicial review of the results of the written examinations and  
16 evaluation exercises in the following manner:

17 (a) A pilot applicant who seeks a review of the results of his or  
18 her written examinations or evaluation exercises must request from the  
19 board-appointed or board-designated examination committee an  
20 administrative review of the results of his or her written examinations  
21 or evaluation exercises as set forth by board rule.

22 (b) The determination of the examination committee's review of a  
23 pilot applicant's examination results becomes final after thirty days  
24 from the date of service of written notification of the committee's  
25 determination unless a full adjudicative hearing before an  
26 administrative law judge has been requested by the pilot applicant  
27 before the thirty-day period has expired, as set forth by board rule.

28 (c) When a full adjudicative hearing has been requested by the  
29 pilot applicant, the board shall request the appointment of an  
30 administrative law judge under chapter 34.12 RCW who has sufficient  
31 experience and familiarity with pilotage matters to be able to conduct  
32 a fair and impartial hearing. The hearing shall be governed by chapter  
33 34.05 RCW. The administrative law judge shall issue an initial order.

34 (d) The initial order of the administrative law judge is final  
35 unless within thirty days of the date of service of the initial order  
36 the board or pilot applicant requests review of the initial order under  
37 chapter 34.05 RCW.

1 (e) The board may appoint a person to review the initial order and  
2 to prepare and enter a final order as governed by chapter 34.05 RCW and  
3 as set forth by board rule. The person appointed by the board under  
4 this subsection (6)(e) is called the board reviewing officer.

5 (7) Pilots are licensed under this section for a term of five years  
6 from and after the date of the issuance of their respective state  
7 licenses. Licenses must thereafter be renewed as a matter of course,  
8 unless the board withholds the license for good cause. Each pilot  
9 shall pay to the state treasurer an annual license fee in an amount set  
10 by the board by rule. Pursuant to RCW 43.135.055, the fees established  
11 under this subsection may be increased (~~((in excess of the fiscal growth~~  
12 ~~factor as provided in RCW 43.135.055))~~) through the fiscal year ending  
13 June 30, ~~((2009))~~ 2011. The fees must be deposited in the pilotage  
14 account. The board may assess partially active or inactive pilots a  
15 reduced fee.

16 (8) All pilots and pilot trainees are subject to an annual physical  
17 examination by a physician chosen by the board. The physician shall  
18 examine the pilot's or pilot trainee's heart, blood pressure,  
19 circulatory system, lungs and respiratory system, eyesight, hearing,  
20 and such other items as may be prescribed by the board. After  
21 consultation with a physician and the United States coast guard, the  
22 board shall establish minimum health standards to ensure that pilots  
23 and pilot trainees licensed by the state are able to perform their  
24 duties. Within ninety days of the date of each annual physical  
25 examination, and after review of the physician's report, the board  
26 shall make a determination of whether the pilot or pilot trainee is  
27 fully able to carry out the duties of a pilot or pilot trainee under  
28 this chapter. The board may in its discretion check with the  
29 appropriate authority for any convictions of or information regarding  
30 offenses by a licensed pilot or pilot trainee involving drugs or the  
31 personal consumption of alcohol in the prior twelve months.

32 (9) The board may require vessel simulator training for a pilot  
33 trainee and shall require vessel simulator training for a licensed  
34 pilot subject to RCW 88.16.105. The board shall also require vessel  
35 simulator training in the first year of active duty for a new pilot and  
36 at least once every five years for all active pilots.

37 (10) The board shall prescribe, pursuant to chapter 34.05 RCW, such  
38 reporting requirements and review procedures as may be necessary to

1 assure the accuracy and validity of license and service claims.  
2 Willful misrepresentation of such required information by a pilot  
3 applicant shall result in disqualification of the pilot applicant.

4 **Sec. 709.** RCW 47.12.244 and 2007 c 518 s 707 are each amended to  
5 read as follows:

6 There is created the "advance right-of-way revolving fund" in the  
7 custody of the treasurer, into which the department is authorized to  
8 deposit directly and expend without appropriation:

9 (1) An initial deposit of ten million dollars from the motor  
10 vehicle fund included in the department of transportation's 1991-93  
11 budget;

12 (2) All moneys received by the department as rental income from  
13 real properties that are not subject to federal aid reimbursement,  
14 except moneys received from rental of capital facilities properties as  
15 defined in chapter 47.13 RCW; and

16 (3) Any federal moneys available for acquisition of right-of-way  
17 for future construction under the provisions of section 108 of Title  
18 23, United States Code.

19 ((+4)) During the ((2007-09)) 2007-2009 and 2009-2011 fiscal  
20 ((biennium)) biennia, the legislature may transfer from the advance  
21 right-of-way revolving fund to the motor vehicle account amounts as  
22 reflect the excess fund balance of the advance right-of-way revolving  
23 fund.

24 **Sec. 710.** RCW 70.95.521 and 2007 c 518 s 708 are each amended to  
25 read as follows:

26 The waste tire removal account is created in the state treasury.  
27 All receipts from tire fees imposed under RCW 70.95.510 must be  
28 deposited in the account. Moneys in the account may be spent only  
29 after appropriation. Expenditures from the account may be used for the  
30 cleanup of unauthorized waste tire piles and measures that prevent  
31 future accumulation of unauthorized waste tire piles. During the 2007-  
32 2009 and 2009-2011 fiscal ((biennium)) biennia, the legislature may  
33 transfer from the waste tire removal account to the motor vehicle fund  
34 such amounts as reflect the excess fund balance of the waste tire  
35 removal account.

1       **Sec. 711.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read  
2 as follows:

3       (1) The creation of the board does not in any way preclude the  
4 authority of the legislature to independently propose and enact special  
5 license plate legislation.

6       (2) The board must review and either approve or reject special  
7 license plate applications submitted by sponsoring organizations.

8       (3) Duties of the board include but are not limited to the  
9 following:

10       (a) Review and approve the annual financial reports submitted by  
11 sponsoring organizations with active special license plate series and  
12 present those annual financial reports to the senate and house  
13 transportation committees;

14       (b) Report annually to the senate and house transportation  
15 committees on the special license plate applications that were  
16 considered by the board;

17       (c) Issue approval and rejection notification letters to sponsoring  
18 organizations, the department, the chairs of the senate and house of  
19 representatives transportation committees, and the legislative sponsors  
20 identified in each application. The letters must be issued within  
21 seven days of making a determination on the status of an application;

22       (d) Review annually the number of plates sold for each special  
23 license plate series created after January 1, 2003. The board may  
24 submit a recommendation to discontinue a special plate series to the  
25 chairs of the senate and house of representatives transportation  
26 committees;

27       (e) Provide policy guidance and directions to the department  
28 concerning the adoption of rules necessary to limit the number of  
29 special license plates that an organization or a governmental entity  
30 may apply for.

31       (4) Except as provided in chapter 72, Laws of 2008, in order to  
32 assess the effects and impact of the proliferation of special license  
33 plates, the legislature declares a temporary moratorium on the issuance  
34 of any additional plates until July 1, (~~2009~~) 2011. During this  
35 period of time, the special license plate review board created in RCW  
36 46.16.705 and the department of licensing are prohibited from  
37 accepting, reviewing, processing, or approving any applications.



1 Additionally, no special license plate may be enacted by the  
2 legislature during the moratorium, unless the proposed license plate  
3 has been approved by the board before February 15, 2005.

4 **Sec. 712.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to  
5 read as follows:

6 There is hereby created in the state treasury a fund to be known as  
7 the highway safety fund to the credit of which shall be deposited all  
8 moneys directed by law to be deposited therein. This fund shall be  
9 used for carrying out the provisions of law relating to driver  
10 licensing, driver improvement, financial responsibility, cost of  
11 furnishing abstracts of driving records and maintaining such case  
12 records, and to carry out the purposes set forth in RCW 43.59.010.  
13 During the ((2005-2007-and)) 2007-2009 and 2009-2011 fiscal biennia,  
14 the legislature may transfer from the highway safety fund to the motor  
15 vehicle fund and the multimodal transportation account such amounts as  
16 reflect the excess fund balance of the highway safety fund.

17 **Sec. 713.** RCW 46.68.220 and 2009 c 8 s 503 are each amended to  
18 read as follows:

19 The department of licensing services account is created in the  
20 motor vehicle fund. All receipts from service fees received under RCW  
21 46.01.140(4)(b) shall be deposited into the account. Moneys in the  
22 account may be spent only after appropriation. Expenditures from the  
23 account may be used only for information and service delivery systems  
24 for the department, and for reimbursement of county licensing  
25 activities. During the 2007-2009 and 2009-2011 fiscal ((biennium))  
26 biennia, the legislature may transfer from the department of licensing  
27 services account such amounts as reflect the excess fund balance of the  
28 account.

#### 29 MISCELLANEOUS

30 NEW SECTION. **Sec. 801.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 802.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    immediately.

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1       Correct the title.

--- END ---